

By JOSEPH KLEIN

WHAT are conditions like in Alcatraz, where Morton Sobell is serving his fifth year in prison while people throughout the United States fight to win justice for him?

Alcatraz—known ominously as "The Rock"—is a place where few reporters are able to visit. Its "security" is guarded vigilantly by the Bureau of Prisons, and an air of mystery has been built up around the oppressive-looking isle in San Francisco Bay.



HELEN SOBELL

But recently The San Francisco Call-Bulletin published a series of articles and pictures revealing how the 301 inmates of Alcatraz are treated. The first article, published on Dec. 1, reveals the conditions that have led penologists and criminologists to urge the abolition of Alcatraz as something out of the Middle Ages.

The reporter, William P. Walsh, describes the prisoners moving obediently about as "toy men" and constantly under the shadow of 50-foot gun towers, barbed wire, pillboxes, and steel doors. He writes:

"Yes, these are the hard guys and the troublemakers. The men who tried to prove that no prison can hold them and ironically wind up on Alcatraz—which can. These are the 'mad dogs' with the crazy quirks which can't be classed as insanity, the incorrigible law-haters who seldom change—ever—until they're dead."

But the writer appears perplexed because "you can't tell it" by looking at the men, one of whom appears as if he might be a kid just out of college.

Captain Philip Bergen was

ROSENBERG GROUP SUED

U. S. Claims \$124,122 Taxes
From Spies' Supporters

The Government filed yesterday in Federal Court a \$124,122 tax lien, including interest and penalties, against the National Committee to Secure Justice in the Rosenberg Case.

The liens, filed by Denis J. McMahon, Lower Manhattan District Director for Internal Revenue, were for unpaid taxes from Nov. 1, 1951, to Oct. 31, 1953. This would indicate that the organization collected \$500,000.

The committee, with headquarters at 1050 Avenue of the Americas, was formed to collect funds for the defense of Julius and Ethel Rosenberg, executed atom spies. The organization held meetings and rallies throughout the United States and Canada. After the Rosenbergs had been executed in 1953 the committee continued its work in behalf of Morton Sobell, convicted with the Rosenbergs of conspiracy to commit espionage. Sobell is now serving a thirty-year sentence in Alcatraz prison.

Late City

NEW YORK, N. Y.

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quoted by reporter Walsh as saying:

"These people are on the comic book level. They don't think like other people. The things we consider fantasy, they believe. They believe that if you have boldness, all things work for you. They're like spoiled kids, always trying to break something, or burn something, or knock something down.

"You turn your back on them, and they come up behind you and hit you over the head."

Is this the kind of a person who Morton Sobell is? A growing number of Americans who have read Morton Sobell's letters, who have studied the facts in his case, and who are aware of Sobell's work as a scientist and his desire to serve his country by pursuing his career, have written to Director of Prisons James V. Bennett requesting Sobell's removal from Alcatraz.

IF MORTON SOBELL does not belong in a place like Alcatraz, what about the other inmates? Helen Sobell wrote in the National Guardian newsweekly after a recent visit with her husband:

"How can I believe that the old men, the young men, the hundred men who are Negro, deserve the fate that has been decreed for them? How can I believe it when I know that my husband, Morton Sobell, was sent there because he would not perjure himself, would not confess to a guilt which he did not have, would not bear false witness against others. . ."

The entire routine at Alcatraz is designed to wear down and dehumanize the prisoners. Prisoners

are not permitted to receive daily newspapers, there is a regulation against prisoners being visited by their children, there are no commissary privileges. There are movies, but, as reporter Walsh writes, "woe betide the man who misbehaves at movies. He never goes again."

When prisoners are put in solitary, it is reported that they lose portions of their food rations.

"But the real enemy on Alcatraz," Walsh writes "is monotony—an endless parade of days that begin at 6:30 a.m. and progress with maddening regularity from one rigidly scheduled point to another until lights go out at 9:30

"It is a tribute to the durability of the human spirit that few men have attempted suicide in the 30 years since Alcatraz became the toughest of all pens."



MORTON SOBELL

ROSENBERG GROUP SUED

U. S. Seeks \$118,459 in Taxes
From Supporting Committee

WASHINGTON, Jan. 26 (AP)—The Government is trying to collect \$118,459 in back taxes and penalties from the National Committee to Secure Justice in the Rosenberg Case, United States Tax Court records showed today.

The committee was set up to rally support for Julius and Ethel Rosenberg and Morton Sobell, convicted spies. The Rosenbergs were executed in June, 1953. Sobell is serving a thirty-year prison term.

The Internal Revenue Service contends the committee owes \$15,374 in income taxes for the twelve months ended Oct. 31, 1952, and \$32,701 for the following twelve months, plus \$20,381 in penalties for late filing of its tax returns for these two years.

The committee has appealed the assessment to the tax court, asserting that the Government's claim is "arbitrary, capricious and unreasonable, and without support in law or fact."

The committee contended it lost money in both years, and that it was exempt from Federal taxation anyhow.

July 1954

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The Internal Revenue Service contends the committee owes \$15,374 in income taxes for the twelve months ended Oct. 31, 1952, and \$82,701 for the following twelve months, plus \$20,384 in penalties for late filing of its tax returns for these two years.

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**Pay Tribute
To Memory of
Emanuel Bloch**

The Committee to Secure Justice for Morton Sobell today paid tribute to the late Emanuel Bloch on the first anniversary of his death by pledging to make known "the whole truth in the Rosenberg-Sobell case."

The committee said "the best way to pay tribute to Emanuel Bloch is to continue our vigorous efforts toward making known the whole truth in the Rosenberg-Sobell case. This we pledge to do."

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2/6

DATE: Jan. 30, 1955

UREY DENOUNCES ATOM SPY'S TRIAL

Charges Sobell Verdict Was
'Not Justified'—He Also
Defends Rosenbergs

Special to The New York Times.

CHICAGO, Feb. 12—Dr. Harold C. Urey, Nobel Prize winner and Professor of Chemistry and Nuclear Studies at the University of Chicago, charged here tonight that:

"Morton Sobell, who was convicted with Julius and Ethel Rosenberg, the atom spies, 'was not properly tried' and that 'the verdict and sentence were not justified.'"

"The Rosenbergs were not

proved guilty of the crime for which they were executed.

Warning that the integrity of justice as administered in the United States was at stake, Dr. Urey said:

"If proper trials cannot be secured for unpopular people—and it is evident from the publicity of this trial that all those charged with crimes were unpopular—then it will become impossible to secure justice for other somewhat less unpopular people and so on until no justice is possible at all."

Dr. Urey spoke at a testimonial dinner given him by the Chicago Sobell committee. The Chicago group is a unit of the National Committee to Secure Justice for Morton Sobell.

A spokesman said the group was attempting to secure a new trial for Sobell. It also is seeking to have Sobell removed from Alcatraz, where he is serving a

thirty-year prison term, to another penitentiary.

Dr. Urey was among prominent Americans who joined in a "friends of the court" brief submitted Jan. 23 to the Chief Clerk of the Supreme Court. The brief asked for a new trial for Sobell. The appeal is based on the ground of new evidence that major prosecution witnesses had committed perjury.

At the dinner, Dr. Urey made his charges after he had been presented with a bound volume of scrolls. They were signed by 5,000 persons throughout the world in tribute to him as a scientist and for his achievements as a citizen.

The volume of scrolls, which was presented by Mrs. Sobell, read in part:

"In your protests in the Rosenberg and Sobell case, even to those who may disagree with your evaluation of the case itself, you have exemplified the vital principle of seeking out a firmly and courageously when

one deeply feels an injustice has taken place."

Dr. Urey criticized the use of the professional informer by the Department of Justice and Congressional committees. He cited recent statements of Harvey Matusow that he had given false testimony in trials of Communists. He also said that Roy M. Cohn, former counsel for the Senate Permanent Subcommittee on Investigations, then headed by Senator Joseph R. McCarthy, Republican of Wisconsin, had been involved by Matusow.

Dr. Urey said that Mr. Cohn was assistant prosecutor against Sobell and the Rosenbergs. The scientist stressed that Sobell had been convicted on the word of an admitted perjurer.

He also asserted that "a well-justified concern for our security on a modern, dangerous world has led us to do things which will undermine our life, our form of government and our freedoms."

Defending his right to voice his

views, Dr. Urey said, "I am exercising certain rights that were mine at birth and I wish to keep them until death."

Following is a list of some who signed the scrolls:

Dr. James Franck and Linus Pauling, Nobel Prize-winning scientists; Dr. Henry Steele Commager, Columbia University; Van Wyck Brooks, author; Dr. Mary McLeod Bethune, president emerita of Bethune-Cookman College; Roger Baldwin, national chairman of the American Civil Liberties Union; Dr. Percy Julian of Oak Park, Ill.; president of Suburban Chemical Company, Franklin Park, Ill.; Prof. Fowler Harper, Yale Law School; A. Phillip Randolph, president of Brotherhood of Sleeping Car Porters, A. F. L.; Dr. Robert Stroum, Dean of Students, University of Chicago; Rabbi Abraham Cronbach of Cincinnati.

Also Alexander Meikolohn, former president of Amherst College; Prof. Kirtley Mather, Harvard; Prof. Ernest W. Burgess, University of Chicago; Prof. Philip Morrison, scientist, Ithaca, N. Y.; Prof. Mark De Wolfe Howe, Harvard Law School; Prof. Robert S. Lynd, Columbia University; Judge George Quinn, Chicago; Dr. George Barton,

Harvard; Justice James A. Walf of Utah, retired.

Also Charles A. Coulson, Professor of Mathematics, Oxford, England; Lord Chorley, Middlesex, England; Waldo Frank, author; Prof. Dorothy Brewster, retired, Columbia University; John K. Holm, scientist, Pittsburgh; Serg's Hov, composer, New York City; Prof. Anton J. Carlson, University of Chicago; Dr. Alexander S. Langsdorf, dean emeritus, Washington University; Robert Morza Lovett, former Governor of the Virgin Islands; Dr. Isaac Kolthoff, scientist, University of Minnesota; the Rev. John Howland Lathrop, the Rev. John Paul Jones, and Dr. W. E. R. Lu Bois, educator, all of New York.

Also the Rev. John Howard Melish, the Rev. William Howard Melish, and Rabbi Max Feldman, all of New York; Prof. H. A. Wilson, Princeton University, and Royal Wilbur France, attorney, New York.

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Urey Receives Award for His Fight for Civil Liberties

DR. HAROLD UREY, Nobel Prize scientist, receives a bound volume of scrolls honoring him for his achievements as a scientist and contributions as a citizen. The scrolls, signed by prominent persons from throughout the world, many of them differing with Dr. Urey on specific issues, were presented by Mrs. Helen Sobell. Dr. Urey asserted in a speech at the testimonial dinner in his honor that Morton Sobell, sentenced to 30 years in Alcatraz, was not properly tried, and that the Rosenbergs were not proven guilty of the crime for which they were executed. Dr. Urey pointed out that Morton Sobell has been convicted on the word of an admitted perjurer, and that Roy

Cohn was assistant prosecutor in the trial.

The chart in the background is the diagram that Dr. Urey prepared to illustrate that the alleged conspiracy could have taken place without Sobell and the Rosenbergs.

Copies of the full text of Dr. Urey's speech, which stirred wide press comment, can be obtained by writing in the National Committee to Secure Justice for Morton Sobell, 1050 Sixth Ave., New York 18, N.Y.

World-wide efforts to win a new trial for Morton Sobell and to secure his removal from Alcatraz have recently been increasing. Trade union organizations in Mexico, Chile, Columbia, and England are among the groups that have in the past few weeks appealed in Sobell's behalf to Prison Director Bennett, and to President Eisenhower. In France, the newspaper Droit et Liberte, called upon all those who had sought to save the lives of the Rosenbergs to join in winning justice for Morton Sobell.

The Sobell committee is stepping up its campaign to acquaint millions of people with the facts and urges all those who have not yet done so to help obtain Morton Sobell's transfer by writing to James V. Bennett, Director of Prisons, Justice Dept., Washington, D.C.

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R.A. Tim B. 1955

RESERVE!
Thursday, June 16
8 P.M.
MORION SOBELL
MEETING
In Memory of the
ROSENBERGS
New York City

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DATED **5/16/55**

NEW YORKERS TO URGE NEW SOBELL HEARING ON SECOND ANNIVERSARY OF ROSENBERG TRIAL.
NEARLY THREE THOUSAND day, June 18, 8 p.m. to urge a new
 New Yorkers are expected to trial for Morton Sobell in memory
 gather at Carnegie Hall on Thurs- of Ethel and Julius Rosenberg on
 the second anniversary of their
 death.

The events at Carnegie Hall will be under the auspices of the Committee to Secure Justice for Morton Sobell, which is conducting the battle for a new trial and for the removal of Morton Sobell from Alcatraz, where he is completing the fifth year of a 30-year sentence.

The evening will be highlighted by a new dramatic presentation, music written in honor of Morton Sobell and guest speakers.

Tickets are available at the Sobell committee office, 1050 Sixth Ave., New York City 18, N. Y. (at 10th Street). Admission is \$1.25, tax included.

"History will record the truth and give the public a chance to right the great wrong done us."

—Julius & Ethel Rosenberg

NOW IS THE TIME TO BRING OUT THE TRUTH!

FREE MORTON SOBELL!

CARNEGIE HALL
 New York City

Thurs., June 18
 8 P.M.

In Memory of the Rosenbergs . . .

— Premier —

A New Musical Composition
 "In Memory of 2 Martyrs"

A New Play
 "The Innocents"

Guest Speakers

Admission: \$1.25 (tax incl.)

Tickets available at:
 Committee to Secure Justice for
 Morton Sobell, 1050 Sixth Ave.,
 N.Y.C. (at 40 St.) LO 4-9585.

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DATE

MAY 22 1953

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**NEW YORKERS TO URGE NEW SOBELL HEARING
ON SECOND ANNIVERSARY OF ROSENBERG TRIAL.**

NEARLY THREE THOUSAND day, June 16, 8 p.m. to urge a new trial for Morton Sobell in memory of Ethel and Julius Rosenberg on the second anniversary of their death.

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"History will record the truth
and give the public a chance
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—Julius & Ethel Rosenberg

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THE TRUTH!**

**FREE
MORTON SOBELL!**

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Committee to Secure Justice for
Morton Sobell, 1050 34th Ave.,
N.Y.C. (at 40 St.) A 9583**

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W. L. ...

Spotlight Turning on Rosenberg Informers

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GENERAL HARPER

THE MOOD of the American people today is one of profound skepticism about the reliability of government informers. The revelations of Harvey Matusow, Lyle Watson and Marie Natvig, the recantation of Thad Mason, the mounting evidence of discrepancies in the testimony of key govern-

ment witnesses in several score political trials, has prompted many influential persons and newspapers to question whether a reconsideration of the verdicts might not be in order.

Whatever may be said with respect to these various political trials goes double in the case of Julius and Ethel Rosenberg and Morton Sobell. While the Rosenbergs cannot be brought back from their graves, their innocence can be vindicated and Sobell can be brought back from that living death of Alcatraz prison.

For a careful study of the testimony and record of the six government informers upon whose "evidence" they were convicted was released last week by the Committee to Secure Justice for Morton Sobell. It establishes conclusively that these six informers are unreliable and lacking in integrity that they are and were undervalued of the credence put in them by juries and newspaper readers.

The six: Elizabeth Bentley, Max Elitcher, Harry Gold, David Greenglass, Ruth Greenglass and Benjamin Schneider.

And Jacobs of the Sobell committee declared: "There is a need for a complete investigation of

these six witnesses and of the conduct of the Justice Department in its use of such witnesses to convict the Rosenbergs, Morton Sobell, and other victims. Let us expose such sordid practices by winning justice for Morton Sobell."

Here is the proof—individual by individual—these six:

ELIZABETH BENTLEY—The glorified "Spy Queen" in Brownell's melodrama of alleged "espionage" and "subversion." Bentley admitted that she had never met Sobell nor the Rosenbergs before the trial of the three conducted by New York Federal Judge Irving R. Kaufman in 1951. Nevertheless Kaufman admitted her "testimony" in evidence to show "motive" for espionage.

Her "evidence" helped crush the government's case. For when the Rosenberg-Sobell conviction was reviewed by the U. S. Court of Appeals, Judge Jerome N. Frank declared, in a written opinion that if the jury believed her, the Bentley testimony supplied the "missing link" to provide motive for "spying" of which the defendants were accused. Bad luck, in the shape of truth, has since caught up with Bentley. Thirty-seven contradictions and frauds in her testimony against William Henry Taylor were exposed in a statement by Mr. Taylor to the International Organizations Employees Board on March 28, 1955. Taylor was impugned on a "loyalty" charge by Bentley, and retained California ex-Congressman Byron Scott as his attorney. Scott and others have carefully examined her testimony before various courts and legislative committees against numerous citizens.

For example, this "witness" once testified that William Ludwig Ullman tipped her in advance about General James Doolittle's air raid on Tokyo which occurred April 18, 1942. Ullman, also testified was then a specialist in the government's developing B-29 aerial warfare program.

This was impossible. For Mr. Ullman was still employed by the U. S. Treasury Department on that

date. War Department records disclose that he did not enter the military service till October 1942—half a year after the Tokyo raid.

MAX ELITCHER—He styled himself the "best friend" of Morton Sobell.

"If you do not believe the testimony of Max Elitcher, as it pertains to Sobell, then you must acquit the defendant Sobell."

These were the words spoken to the jury by Judge Kaufman as the jurors retired to render their verdict in the Rosenberg-Sobell case.

Yet, Max Elitcher was a confessed perjurer before Federal Prosecutors Irving Saypol and Roy Cohn ever put him on the stand to help frame Sobell and the Rosenbergs.

He admitted under questioning by defense attorneys that he had sworn falsely to a government loyalty oath and therefore feared prosecution. Here is a sample of his testimony:

Defense Attorney: So you have lied under oath?

Elitcher: Yes.

Defense Attorney: Were you worried about it?

Elitcher: Yes.

(Page 278, printed trial record).

Also on the stand, Elitcher admitted that he was hoping for the best for himself by placing his tongue at the disposal of the Department of Justice. As a "reward," he was given immunity from old perjury charges in connection with the loyalty oath case and never indicted.

Dr. Harold C. Urey, Nobel prize winning atomic scientist, labelled Elitcher's story as "most unconvincing" after reading the full trial record.

HARRY GOLD—One discrepancy after another can be found in his testimony reproduced in the trial record. But one conspicuous example follows:

At the trial, Gold contended that he obtained vital information from David Greenglass in Albuquerque, New Mexico, before boarding a train to New York and handing the material to a Russian contact.

How he lied has since been established by the noted American author and playwright, John Wesley.

Carefully he traced the path allegedly taken by the informer. Gold had testified that he was also fully certain that he had left Albuquerque on Sunday afternoon June 3, 1945. He went into elaborate detail, alleging that he arrived in New York after a closely timed trip on Tuesday night, June 5, to keep a "spy" rendezvous at 10 p.m.

Mr. Wesley went checking to the Albuquerque stationmaster. The schedule showed that no train left for New York at all on the afternoon of June 5—and no other trains could have possibly gotten Gold into that city before Wednesday, June 6.

DAVID GREENGLASS—So ignorant of scientific matters that he failed in 8 out of 8 courses in Brooklyn Polytechnical High School, claimed to have stolen the "secret" of the atomic bomb by eavesdropping on the conversation of scientists while working at the Los Alamos, New Mexico bomb project.

During the trial, he asserted that Harry Gold had been sent to him by Julius Rosenberg to obtain the secret information regarding the atomic bomb. But at the trial a French newspaper, shocked by the frame-up published photostats of office memoranda from Greenglass' attorney, O. John Rogge. In one memorandum Greenglass is recorded as saying the FBI:

"I didn't know who sent Gold to me."

Greenglass admits also in a memorandum that he permitted FBI agents who staged the frame-up to put words into his mouth. Describing one false and incriminating statement suggested by operatives to him, Greenglass wrote:

"I didn't remember this but allowed it in the statement."

RUTH GREENGLASS—Wife of David Greenglass who backed



HARRY GOLD



DAVID GREENGLASS

testimony at the Rosenberg-Sobell trial but expressed very unflattering opinions of him in confidential discussions with her attorneys. She admitted in the Rogge Memoranda that her husband had a

(Continued on Page 10)

ROSENBERGS

(Continued from Page 3)

"tendency to hysteria." More importantly, according to her, "he would say things were so even if they were not."

Moreover, she declares in the memoranda, "he talked of suicide as if he were a character in the movies."

Ruth Greenglass had known her husband since he was 10 years of age. Knowledge of his unstable character should have made her rally to the defense of her kinspeople—the Rosenbergs. Instead, at the trial, she went into a description of the "A-bomb plans" she claimed to have received from Julius Rosenberg in November, 1944. "I wanted to know how he (Rosenberg) knew what David was doing," she testified. "He said that his friends had told him that David was working on the atomic bomb, and he went on to tell me that the atomic bomb was the most destructive weapon used so far, and that it had dangerous radiation effects—"

However, in the Rogge Memoranda, she is revealed as saying that she was in complete ignorance of the atomic bomb until it was dropped on Hiroshima in August, 1945.

Speaking about experiments in uranium at Los Angeles, Ruth Greenglass is described in the memoranda as saying that:

"She would not have allowed her husband to bring anything home after Hiroshima had disclosed what the project was. She intended to raise a family and did not want that kind of material around."

BENJAMIN SCHNEIDER

Passport photographer who was introduced as a surprise witness by the government during the trial. Schneider claimed that the Rosenbergs had come into his shop and he had made passport pictures for them. From the time that they had entered his place of business in May or June, 1950, until he took the stand and identified them, he had not seen the young couple. Or so his story went.

However, FBI agent John Harrington subsequently admitted in an affidavit that Schneider had been brought into court previously with the knowledge and consent of the clique of government law-

yers.

In other words, these officials were so unsure of their fingerman that they had to give him a preliminary peek in order that he could make a certain identification.

"When the Justice Department brought the Rosenbergs and Morton Sobell to trial," said Ted Jacobs of the Sobell Committee, "it hoped they would crack and become new false witnesses. But the Rosenbergs and Morton Sobell courageously refused to do even in the face of death and Alcatraz, and the courage of thousands of Americans in fighting for justice in this case threw a wrench into the plan to have more false spy trials."

"By establishing the truth about the Rosenberg-Sobell case we can guarantee that this kind of thing cannot happen again."

"On Thursday, June 16th, some 3,000 New Yorkers will gather at Carnegie Hall to urge a new Sobell trial. The event will mark the second anniversary of the execution of Julius and Ethel Rosenberg."

"We are confident that the time is now ripe to win a new trial for Morton Sobell and see that the truth is known throughout the land."

"Neither death nor Alcatraz can keep the truth hidden. I will never be forced to bear false witness."

—MORTON SOBELL.

Now Is the Time
to Free

MORTON SOBELL

CARNEGIE HALL
THURS., JUNE 16

8 P.M.
New York City
in memory of



THE ROSENBERGS

premiere
new play
"The Innocents"

new musical composition
"In Memory of Two Martyrs"

Guest Speakers

Admission: \$1.25 (tax incl.)
Tickets available at: Com-
mittee to Secure Justice for
Morton Sobell, 1050 Sixth
Ave. (at 40th St.), N.Y.C.,
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WACO
CELLER

THE AMERICAN artist Hugo Celler recently completed the above portrait of Morton Sobell, who was sentenced to 30 years in the Rosenberg trial and who is now in Alcatraz completing his 5th year of imprisonment.

The portrait, which Mr. Celler has presented to Helen Sobell, Morton Sobell's wife, will be enlarged and displayed on the stage of Carnegie Hall in New York at the gathering to free Morton Sobell to be held on Thursday, June 16, 8 p.m., in memory of Ethel and Julius Rosenberg.

Since the execution of the Rosenbergs two years ago, people in many countries have created works of art, and have written plays, books, poetry, and songs in honor of the Rosenbergs and Morton Sobell.

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Allen...

Rosenberg Play Scenes Readied for Sobell Rally

SCENES from a new play, a new musical composition, and an address by prominent artist Rockwell Kent will be among the features of the program Thursday, June 16, 8 p.m., when New Yorkers will urge a new trial for Morton Sobell.

The occasion of the event, under the auspices of the National Committee to Secure Justice for Morton Sobell, is the second anniversary of the death of Julius and Ethel Rosenberg.

The dramatic presentation will be from "The Innocents," English adaptation of the play by Polish

playwright Leon Kruczkowski on the Rosenberg case. While it has never been performed in this country, it has been presented in many languages in countries throughout Europe.

A new musical composition, "Martyr Trio," has been written in tribute to Morton Sobell and the Rosenbergs and will be performed.

THE MUSIC, written by Richard Anastasio of Berkeley, Cal., is for cello and two violins.

Rockwell Kent, one of America's leading artists who recently received national acclaim for his new book, will address the gathering, along with Mrs. Morton

Mr. Kent has designed the jacket for the new 672 - page Sobell, and other guest speakers. ~~stuff of the Rosenberg - Sobell~~

case, "The Judgment of Julius and Ethel Rosenberg" written by John Wexley.

ON WEDNESDAY, petitions signed by some 5,000 persons urging that Morton Sobell be transferred from Alcatraz were presented in Washington to James V. Bennett, federal director of prisons.

The petitions were filed with Bennett by Mrs. Helen Sobell and Prof. Ephraim Cross, professor of romance languages at the City College of New York. They had been circulated by the Sobell Committee, which is continuing to press for the removal of Morton Sobell to a regular federal prison.

The petitions charged that the imprisonment of Morton Sobell in Alcatraz, which is supposed to be only for prison trouble-makers, sets a "dangerous precedent."

Meanwhile, attorneys are preparing new steps to win a new trial.

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<i>W. W. [Signature]</i>	

Rosenberg Rite Sunday

The Committee to Secure Justice for Morton Sobell will pay tribute to Julius and Ethel Rosenberg at Wellwood Cemetery, Pinelawn, Long Island, Sunday, June 19, 1:30 p.m.

The committee said it was inviting all who wish to honor the memory of the Rosenbergs to join in tribute at the cemetery, which will mark the second anniversary of the execution of the Rosenbergs.

Throughout the week there have been meetings in behalf of Morton Sobell in memory of the Rosenbergs in many cities across the country.

The grave stones, which were not yet erected at the time of the Rosenberg memorial last year, are now in place.

Directions to Wellwood Cemetery are as follows:

From Manhattan: Cross Queensboro Bridge onto Queens Boulevard to Grand Central Parkway. Left on Parkway to Cross Island Parkway, turn right to Southern State Parkway. Then turn left and proceed to Wellwood Ave. (Exit 35). Turn right on Wellwood Ave. to Cemetery.

From Bronx: Triboro Bridge onto Grand Central Parkway and proceed as above. Or Whitestone Bridge onto Cross Island Parkway to Southern State Parkway, left to Wellwood Ave. (Exit 35). Turn right to Cemetery.

From Brooklyn: Belt Parkway onto Southern State Parkway to Wellwood Ave. (Exit 35). Turn right on Wellwood Ave. to Cemetery.

By Railroad: At Pennsylvania Station (33 St. and Seventh Ave. Manhattan) or Atlantic Ave. (Brooklyn) take Long Island Railroad to Pinelawn, L.I. Then Wellwood Bus to Cemetery.

CLIPPING FROM

THE WORKER

DATE

June 19 1955

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Author Demands Senate Probe of D of J's Office

New evidence challenging the prosecution's case against Morton Sobell and Julius and Ethel Rosenberg has been disclosed by author John Wexley at a press conference held at the Hotel Roosevelt by the Committee to Secure Justice for Morton Sobell.

The new evidence, which the committee said would be used together with other material in legal efforts to win a new trial for Sobell, is revealed in John Wexley's forthcoming book, "The Judgment of Julius and Ethel Rosenberg" which will be published on Thursday, June 16, by Cameron and Kahn.

This week marks the second year since the execution of Julius and Ethel Rosenberg. In many cities throughout the country, meetings are being held to urge a new trial for Morton Sobell. In New York, a meeting will be held in Carnegie Hall, Thursday, June 16, at 8 p.m.

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Toward the Vindication of the Resenbergs

John Wesley's Book Uncovers Astonishing Evidence of the ...

By VIRGINIA GARDNER

110-107111 A100

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JUN 24 1955	
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Memorandum

June 19, 1955

IN THE two brief years since Ethel and Julius Rosenberg were executed (June 19, 1953), by an administration which desperately feared exposure of their frameup, reaction has been powerless to prevent the continued movement for their vindication.

The electric chair at Sing Sing failed to blot out the force of the Rosenbergs in our time. The triumph of the Rosenbergs lay in their choosing death to dishonor, and it has not dimmed in these two years. Rather, it has shown more clearly, as more and more people have come to see the Rosenberg struggle as linked with the great struggles against other frameups in other periods marked by basic clashes.

A living symbol of the Rosenbergs, Morton Sobell, remains locked in Alcatraz, an uneasy reminder to the fear-ridden administration that the movement demanding a new trial for him constitutes a key to the vindication of the Rosenbergs.

IN THE changing political atmosphere of the last two years, much has happened to suggest that from now on the job of the Committee to Secure Justice for Morton Sobell in the Rosenberg Case, exposing the frameup character of the case, will be less of an uphill fight.

Events have followed swiftly on that other June 19 when workers massed before American embassies over the world, and thousands picketed the White House, waiting with a sense of doom the word from a craven Supreme Court, and the President's mimeographed refusal of clemency released half an hour later.

Not all the intervening hopeful events seemed at the time related to the Rosenbergs, though in a real sense the movement for clemency which swept Europe, breaking through class lines and national boundaries, was a factor in bringing about peace in Korea and Indochina.

And here, the increasing number of trade unionists, both officials and shop workers, as well as intellectuals, who defied Sen. McCarthy and the House Un-American Activities Committee in this period would indicate that the Rosenbergs indeed "pushed up the standard of courage in America." (After their execution a former fellow prisoner of Rosenberg's so described their immediate impact on the American people.)

THREE two years have seen many developments which throw an ever stronger and more searching spotlight on the shady practices of the Department of Justice and the FBI. And the Rosenberg-Sobell frameup was a creation of the FBI from start to finish.

Now, with the appearance of two important books, the latest John Wexley's "The Judgment of Julius and Ethel Rosenberg," an astonishing amount of evidence of the frameup uncovered in these two years becomes visible.

In both the Wexley book and "The Atom Spy Hoax," by William A. Reuben, the investigations and studies of the authors themselves do much to advance the inevitable day when the entire frameup in all its sordid, elaborate ramification will be completely known, verified and understood by the nation, and Sobell will be freed.

In addition, between the two covers of the massive Wexley book the reader will find innumerable allusions, with documentation, to developments both small and large which show that the United States is struggling out of the mire of 1950, when the informer was a national hero or heroine.

SO FAST have been these developments of late that the date of publication of the Wexley book was pushed back again and again, while the author kept adding material, and finally footnotes, to record them. Such events include the charges against Elizabeth Bentley and the FBI made by William Henry Taylor of the International Monetary Fund, the granting of a new trial to two Smith Act defendants on the basis of Harvey Matusow's testimony that as an FBI informer he lied on the witness stand against them.

The Wexley book, published June 16, is a comprehensive, popularly written book by the playwright and screenwriter whose plays include "They Shall Not Die," on the Scottsboro case, and "The Last Mile." Including its pages of photostats, of documents, many on the Sobell case appearing for the first time, and a useful index, the book numbers 672 pages—not counting a chronology of events and synopsis of the government's case.

The book is considered such a valuable weapon in spreading the truth about the Rosenberg-Sobell case that the Rosenberg-Sobell committee has set itself a goal of

THE OK is the result of a three-year painstaking study of the Rosenberg case in which, the author explains, he has at all times used documentation and reliable sources. The analysis involved the study of many thousands of pages of court records and appeals.

It is obvious that the author studied the trial records of related cases as well, that he interviewed many persons, and made use of various other studies of the case such as the brilliant legal analyses of the Rosenberg and Sobell cases by D. N. Pritt, and by Stephen Love, Chicago lawyer.

Primarily the work is an analysis of the inner contradictions in the government's case, its implausible elements and the obvious fakery which Wexley convincingly shows all its key pieces of evidence to be. It is apparently aimed and rightly so at an audience not yet convinced of the innocence of the Rosenbergs and Sobell.

THERE is no question that a vast number of liberals in this country are uneasy about the Rosenberg execution, and many are beset with a feeling of guilt because they did nothing to prevent it.

These are the persons who resist the central truth of the Rosenberg case—that reaction had to produce a Rosenberg case, and that if it hadn't been the Rosenbergs it would have been someone else, preferably Jews like the Rosenbergs were.

Undoubtedly the detective story approach of the Wexley book will find a wide audience, and not only among the non-left. For that matter, there are many progressives who understand fully the political reasons for the spy hoax and the frameup—reaction's device to identify espionage with the left and isolate those speaking out against war—who are not armed with intimate knowledge of the legal case.

How many persons read the transcript of the trial? The copies originally priced at \$10 were sent to lawyers or public figures the committee wanted to reach with the facts.

Moreover, the reading of it was a devastating experience. Even for those who were picketing and wrapped up in the struggle, it was a nerve-shattering process to read through the cold print and not be able to retort to the snide remarks of Judge Irving Kaufman, not to be able to shout "Liar!" at Elizabeth Bentley and Harry Gold and the Greenglasses.

HERE in the Wexley book the reader gets all the information and



MORTON SOBELL

A drawing of Ethel Rosenberg and her son, Rosby, by Sadie Van Veen, here published for the first time.



JULIUS AND ETHEL ROSENBERG

Books on the Rosenberg Case

Publications available on the Rosenberg-Sobell case are:

"The Judgment of Julius and Ethel Rosenberg," by John Wexley, Cameron & Kahn, \$6.

"The Atom Spy Hoax," by William Reuben, Action Books, \$3.75. A study of a number of cases including the Rosenberg-Sobell case.

"The Rosenberg Story," by Virginia Gardner, Masses & Mainstream, Inc., \$1.00; cloth, \$2.

"The Testament of Ethel and Julius Rosenberg," Cameron & Kahn, \$1.50. The letters of the Rosenbergs.

"I Call to You Across the Continent," poems by Edith Segal, People's Artists, 25 cents.

Transcript of the Rosenberg-Sobell Trial Record, \$6, available at office of National Committee to Secure Justice for Morton Sobell in the Rosenberg Case, 1050 Sixth Ave.

Speech of Dr. Harold Urey, 10 cents, at committee office.

The Sobell Fact Sheet, 10 cents, at committee office.

"The Case of Morton Sobell," by D. N. Pritt, 10 cents, at committee office.

Roy Cohn, most satisfactorily. Thus becomes a fortifying experience. And whereas the detective story approach would tend to make the stoolpigeon and informers and inquisitors the central characters and to dwarf the Rosenbergs themselves, Wexley anticipated this. Indeed he expressed horror at what he terms the "dehumanization" of the Rosenbergs studiously carried out by the commercial press in its coverage.

Instead, he provided the reader with considerable material, not all of it new, on their background and early struggles, which helps explain how this simple East Side couple, pitted against forces as cruel and implacable as any in a Greek tragedy, could triumph over them.

That reaction retained the power to pull the switch, and did so, does not mean that the Eisenhower-Brownell crew won the battle. The very publication of these two books, and the promise they afford that other books such as the study by Malcolm Sharp will be forthcoming, is but one indication that reaction lost this battle, and the possibilities for a united front struggle for vindication are opening up.

The two books complement each other and should be companion pieces on every progressive's bookshelf. Reuben, author of "The Atom Spy Hoax," now going into its second edition, is the newspaperman who pioneered in publicizing the miscarriage of justice in the Rosenberg-Sobell trial when he was on the staff of the National Guardian.

The Rosenberg case is only one of a series he deals with, and is not given the full-bodied and convincing treatment Wexley gives it. Most valuable, however, is Reuben's expose of the Canadian "atom spy" cases, which the Wexley book lacks, and his fascinating and horrendous account of the case of Alfred Dean Slack, "the most unpublicized, yet enlightening case of all the so-called atom bomb spies."

Both books show how much light is shed on the Rosenberg frameup by the various corollary cases, the Slack case, that of Alce Brothman, William Perl and others.

As a result we have in the Wexley book a remarkable delineation, based entirely on the records, of how the FBI reached out and grabbed an assortment of victims, and then began the work of softening them up to say what was expected of them to say.



The courageous attorney for the Rosenbergs, Emanuel Bloch, shown with Michael and Robbie, children of Julius and Ethel during a visit at Sing Sing prison. Bloch died in January 1954.

Author Demands Senate Probe of D of J's Office

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Simple Ceremonies Held at Grave of the Rosenbergs

Simple ceremonies were held, the changing times, become part of yesterday at the grave of Julius and Ethel Rosenberg in Wellwood Cemetery at Pine Lawn, Long Island, on the second anniversary of their brutal execution as framed up "atomic spies."

Helen Sobell, wife of Morton Sobell who like the Rosenbergs declared his innocence from the beginning but was convicted and sentenced to 30 years in prison, read an excerpt from her last letter from Sobell dated June 12:

"I wonder, if in the more relaxed atmosphere of today, if they might not have been spared. I suppose this was what the court thought to avoid—a delay which might, with

the changing times, become part of yesterday. They succeeded—and yet they failed."

Ted Jacobs, of the National Committee to Secure Justice for Morton Sobell, opened the ceremonies. He said that those present at the ceremonies spoke for many in this country and abroad who wished to pay their respects to the Rosenbergs, and pledged their efforts that "tragedies like this can never happen again" in America.

Yuri Suhl, poet, read his poem in Yiddish titled, "In That Sabbath Hour."

Edith Segal sang a poem she wrote set in music, "Someplace a Red Rose."

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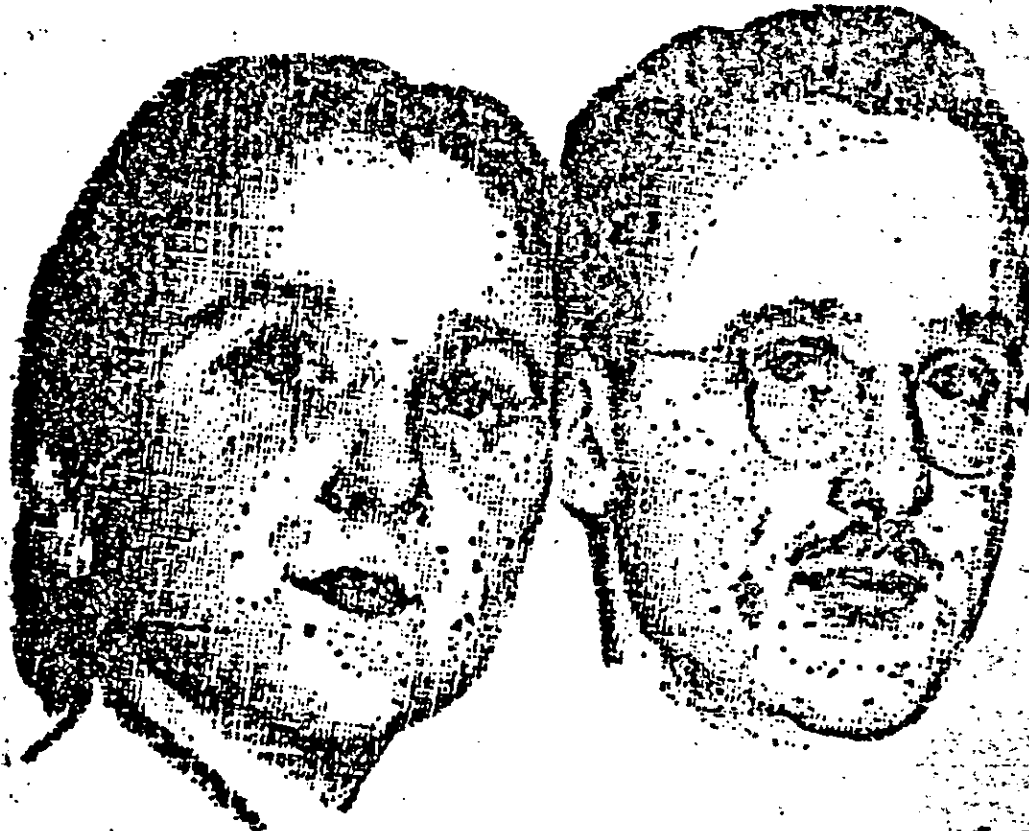
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June 20, 1955

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Poems for the Rosenbergs



ETHEL ROSENBERG

JULIUS ROSENBERG

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DATED

JUNE 20 1955

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June 19, 1953

Remember this day.
Let it be as familiar to you
as your beloved's face, your
child's kiss,
your comrade's clasp.

Remember it with love and draw
strength and courage from this
day.

But not only with love!

The sun is blood-red, soldier in
the White House.

Look at your hands.
The clock has struck the hour,
the switch is thrown.
Their agony is ended.
What of yours?

A whole world cried out, we
urge, we beseech,
For humanity's sake
Mercy, Clemency.
Where is your conscience?

What are you afraid of, you
black-robed men,
in your indecent haste; soldier
in the White House,
banker's cabinet.
What do you fear?

Do you hear voices?
Do you feel the earth move
beneath your feet?
There are voices.
The earth is moving.

From the death-house they said,
we are innocent. Not through us
will you
explain away the blood-letting,
nor use us in your evil.

We are innocent.
We are innocent.
We are innocent.

We shall remember this with
love,
and with hate. Remember
goodness
and calm courage of two who
died.

And remember the murder.

-BLANCK.

Thoughts on The Rosenbergs

America, you're poorer now, much
poorer.

A star was taken out of your fair
sky;

You are not safer now, not strong-
er, purer

For having caused the Rosenbergs
to die.

It was judicial murder, surely
surely.

A deed unworthy of a mighty
land;

Two innocent, poignant people
perished cruelly—

Upon your brow now burns a
ghastly brand.

The future will condemn most
loudly, loudly

The perpetrators of this nightmare
crime;

The victims' memory will flutter
proudly

Within a better world and saner
time.

Oh, you who would not let the
Rosenbergs live,

May God forbear—the World will
not forgive!

-A STRONG.

They Shall Be Remembered

How can we state our grief?

Our hearts lament,

Stilling our words;

The fresh wound bleeds

For the innocent ones,

Condemned, murdered.

Working class martyrs,

Rest in peace.

Gentle mother,

You of the sweet smile,

Kind father, good man,

O brave, O heroic, O noble ones,

Shining beacon lights

of courage and endurance,

Unbreakable spirits,

Rest;

You died for Peace.

How beautiful your humble
names have become,

Julius and Ethel Rosenberg;

You will live forever,

Beloved martyrs of the People,

Enshrined in our hearts,

In the hearts of all

Who yearn for

Peace.

Justice.

Freedom,

Equality.

When lands shall flourish

And the children of men

No longer know fear,

No longer know

Oppression and oppressed,

No longer know war,

When Peace.

When Love.

When Beauty.

Are the common heritage

Of every child

You will be remembered.

Your images will be carried

On banners

In great festivals;

Your names will be blessed

As of those who died

For the People

While the names of your

murderers

Will be trampled in the dust.

Your praises shall be sung

To the peaceful skies

In exquisite chorus

With the joyous voices

Of singing children,

Of singing humanity! —M.O.

The Lyons Den

By Leonard Lyons



David Greenglass, who testified against his sister and brother-in-law—the late Julius Rosenbergs—in the atom spy trial, is coming up for parole. All the prosecutors in the case have written letters supporting his parole . . . Henry Ford, II, is looking to Broadway. He'd like to produce a play starring one of his favorite actors, James Mason, if he could find a suitable script . . . Harry S. Truman, who once sold Oxford shirts in Kansas City, has been invited to speak at Oxford University, England. An honorary degree is awaiting him there.

Michael Todd's film plans include "The Toscanini Story," with Toscanini himself conducting. It would be made, of course, in the new Todd A-O Film Process . . . A third-generation Foy is about to make his debut in show business: Eddie Foy, III, whose father is the comedy star of "Pajama Game," has a role with Sterling Hayden in the Western film, "Top Gun" . . . John Kerr, the young actor who turned down the Lindbergh film role, is signing a two-picture deal with MGM. His first will be opposite Leslie Caron in "Gaby."

Right Extra
N.Y. POST

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JUN 27 1952

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Minister

Committee Seeks Removal Of Sobell From Alcatraz

PHILADELPHIA — The Alcatraz Island Prison Sobell Committee is pushing its campaign for the removal of two community news weeklies. The committee, which has been active since the Castro Times and the North Star were banned for this reason, is now detailing recent developments in the case of the Rosenberg family and his work. The newspapers are the best just published and distributed in many thousands of copies by Frank J. Sobell in these areas.

The committee is asking the Federal Bureau of Investigation, Director of Federal Prisons, the United States Department of Justice, and the United States District Court in Washington, D. C. to have Morton Sobell removed from Alcatraz. Sobell, now confined in Alcatraz Penitentiary, California, transferred to the Federal Sobell Committee some other federal prison where he would be able to communicate with his family and his children occasionally and to receive some reading matter and newspapers.

If Alcatraz is treated as all other prisons should be, a extremely dangerous criminal for 750, Box 805, Philadelphia 17.

DATE 6-19-55
 MAIL WORKER
 NEW YORK, NEW YORK
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Rosenberg Witness Found Lying by Jury

June 26, 1953

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MINIHAN

BY VIRTUE of a jury's action Harry Gold sedulously groomed by the FBI for nine months prior to the Rosenberg - Sobell trial to perform as America's first confessed "atom spy," now stands as a discredited informer-witness.

The federal court jury in Dayton, O., which June 18 returned a verdict of innocent in the perjury trial of Benjamin Smilg, former aviation engineer, refused to believe Gold's testimony he had tried to recruit Smilg as a spy in 1938-39.

Thus Smilg, who was indicted in Nov. 21, 1952, on a charge of having lied to an Air Force loyalty board in 1950 and 1951, when he said he did not know Gold was a "Soviet spy," walked out of court a free man.

And Gold was headed back for Lewisburg penitentiary, his ego and aplomb considerably deflated.

ACCORDING to the Committee to Secure Justice for Morton Sobell in the Rosenberg Case, Gold was cross-examined by Smilg's attorney, William Hopkins, on Gold's record of lying shown in John Wesley's new book, "The Judgment of Julius and Ethel Rosenberg."

In the trial of Abraham Brothman, who had an engineering laboratory on Long Island, Harry Gold made his debut as an informer-witness in 1950. Although the press had had a field day in building up the trial as an espionage trial, U.S. Attorney Irving Saypol in summing up the case admitted espionage was not involved, it was a charge of conspiracy to obstruct justice. (See "The Atom Spy Hoax," by William Reuben).

Just why or for what Brothman was convicted is not clear, as Reuben convincingly shows, except to introduce what Judge Kaufman alluded to as "the background of espionage." Brothman was alleged to have persuaded Gold to make false statements to a grand jury in 1947, although Gold admitted on the witness stand that Brothman knew nothing of his newly confessed "atom espionage."

According to Reuben, it was Brothman who when questioned by FBI agents in May, 1947, as a result of having been named by Elizabeth Bentley as a "contact" in her alleged "spy rings," told the FBI about Gold, and Brothman's legitimate dealings with him when Brothman's firm was trying to get business from Amtorg. Both Brothman and Gold were questioned by the grand jury which later in 1947 began its long delvings into the Bentley myths. Notably it returned no true bills.

On the stand in the Brothman trial Gold admitted, Reuben brought out, that the men he had called his "Soviet suppliers" were officials of Amtorg Trading Corp., official Russian agency openly going out on the market to buy materials.

THUS all that was needed when the FBI was conducting its "great search" and nationwide "manhunt" for British "spy" Klaus Fuchs' American accomplice, was to turn to Gold's dossier. Whatever was done, Wesley points out, the fact remains that Fuchs did not name Gold, and at first failed to identify his photo. Not until three days after FBI agents began interviewing Gold in Philadelphia, Wesley brought out, as shown in a debate in the House of Commons, did FBI agents have access to Fuchs.

But the New York Times of May 24, 1950, in contrast to the tiny item it virtually buried June 19, 1955, when the Dayton jury refused to believe Gold, played up Gold's arrest on page one with this headline:

"PHILADELPHIAN SEIZED AS SPY ON BASIS OF DATA FROM FUCHS." The deck read: "FBI Questioning of Atom Expert in British Prison Brings About Arrest." The story quoted J. Edgar Hoover and Attorney General McGrath as announcing Gold was arrested on espionage charges based on information supplied by Dr. Fuchs.

Judge Kaufman and Prosecutors Saypol and Cohn knew all the damaging facts about him brought out in the Brothman trial—but they never got to the jury in the Rosenberg trial. Such was the intimidation and witchhunt atmosphere within that courtroom, as well as without, in March of 1951, that defense attorneys did not even cross-examine Gold.

The Dayton jury's reaction to Gold's fingering of Smilg is similar to the Federal Court's branding of Ex- (Continued on Page 13).

Witness

(Continued from Page 5)

FBI Informer Harvey Matusow's Smith Act testimony as a lie. When Matusow later testified he had lied under the coaching of Roy Cohn, then of the U.S. District Attorney's office, Federal Judge Dimock ordered a new trial for two defendants in the Elizabeth Gurley Flynn case.

With more and more of the rotten fabric of the government's carefully built framework of the Rosenbergs and Morton Sobell giving way, the central lie which Cohn, Bentley, Gold and Greenglass concocted or repeated, the lie which Julius and Ethel Rosenberg went to their death rather than build, stands exposed.

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Asserts Reds 'Didn't' Give A Hoot' About Rosenbergs

WASHINGTON, Aug. 2 (AP).— A former Federal Bureau of Investigation informant said today the Communists "didn't give a hoot" about Ethel and Julius Rosenberg but fought their execution to embarrass the United States and help Russia.

James W. Glatis, a twenty-nine-year-old Army veteran from Boston, said the Reds shopped their charges of anti-Semitism against this country would raise a smoke screen to hide the persecution of Jewish doctors in the Soviet Union.

Mr. Glatis testified as the House Un-American Activities Committee opened hearings on the operation of various groups set up to plead "clemency and justice" for the Rosenbergs who were executed for transmitting atomic secrets to Russia.

He said the Boston Committee for the Rosenbergs was a Communist front and he believes the national organization also was. He named ten members of the Boston group, some of whom later refused to tell the committee about their activities.

Herman Tamsky, a forty-year-old printer described by Mr. Glatis as chairman of the Boston committee, set off fireworks when he refused to say if he is a Communist or was connected with the Rosenberg group.

As the committee chairman, Rep. Francis E. Walter, D., Pa., tried to gavel him into silence. Tamsky described the Rosenberg case as "a horrible, terrible injustice." He pleaded the Fifth Amendment on all Communist questions.

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FBI - NEW YORK	

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WITNESS SAYS REDS SCORNED ROSENBERG

WASHINGTON, Aug. 2 (AP)—A former Federal Bureau of Investigation informant said today the Communists "didn't give a hoot" about Ethel and Julius Rosenberg but had fought their execution to embarrass the United States and help Russia.

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He described the Rosenberg case as "a horrible, terrible injustice." He pleaded the Fifth Amendment on all Communist questions. The amendment protects a witness from having to testify against himself in a criminal proceeding.

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J. H. Liberty

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AUG 1950	
FBI - BOSTON	
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WITNESS CITES AID GIVEN ROSENBERGS

WASHINGTON, Aug. 3 (AP)—A onetime informant for the Federal Bureau of Investigation said today a fellow Communist had told him of having persuaded two ministers to take up church collections for the defense of Ethel and Julius Rosenberg.

The Rosenbergs were executed as spies in 1953.

Herman E. Thomas of Allentown, Pa., told the House un-American Activities subcommittee that Irving Riskin, whom he identified as a Communist, also advised him that the Allentown ministers "conducted sermons on behalf of the Rosenbergs." The clergymen were not identified.

Mr. Thomas, who said he had spent twelve years in the Communist party, testified on the second day of public hearings into alleged Communist control of groups that had fought the execution of the Rosenbergs.

The hearing was enlivened by exchanges between the chairman, Representative Francis E. Walter, Democrat of Pennsylvania, and witnesses who took refuge in the Fifth Amendment and refused to answer questions about communism or their activities in behalf of the Rosenbergs.

Mr. Thomas said the Communists had blamed "American capitalists" for the execution. "They claimed it was a plot to obscure the real issue—United States participation in the Korean war," the witness added.

Members of the Allentown Communist cell were told to push the drive for clemency among labor unions, in churches and in other Lehigh Valley organizations, Mr. Thomas said.

N.Y. TIMES

AUG 4 1955

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MINIHAN	

Rosenberg Inquiry Balked By Couple Who Guided Fund

WASHINGTON, Aug. 4 (U.P.)—An Englishtown, N. J., couple, former officials of the National Committee to Seek Justice for the Rosenbergs, refused to tell House investigators today whether they are Communists.

David Alman, thirty-six-year-old novelist and farmer, and his wife, Emily, invoked the Fifth Amendment against possible self-incrimination when questioned by a House Un-American Activities subcommittee. It is investigating the campaign to seek "justice" for atomic spies Ethel and Julius Rosenberg, who were executed.

Mr. Alman flashed repeatedly throughout the hearing with the

subcommittee chairman, Rep. Francis E. Walter, D., Pa.

Can't Remember

Mr. Alman, who readily confirmed that he once was executive secretary of the Rosenberg committee, had trouble for a time trying to remember who the president was or even if the group had one. He finally agreed with his wife, who was treasurer at the time, that a president had been listed by the committee in opening a bank account at the New York Chase National Bank. The application, introduced at the hearing, listed a Louis Harap, not otherwise identified, as president.

The subcommittee had planned

to close its hearings today but scheduled another meeting tomorrow to question Mr. Alman and Mr. Harap. Rep. Walter said the record would leave no doubt that the Communists used the Rosenbergs to serve their own ends.

Mrs. Alman, like her husband, refused to name others in the group. She told the subcommittee it could get the names of her paid associates from the national committee's check book since all salaries were paid by check.

Mr. Alman insisted that the subcommittee forget about "naming names" and get around to the committee's operations, why it was formed and how it spent its money.

"We're right in the middle of it," Rep. Walter snapped. "You've proved beyond a peradventure of doubt that the Communists hit upon this case."

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Writer Won't Say if He Took Data From Greenglass' Attorney's Files

By the United Press.

WASHINGTON, Aug. 5.—Novelist David Alman refused today to say whether he took secret documents from the files of an attorney for David Greenglass, a star witness in the Rosenberg atom spy case.

Alman, 36, a resident of Englishtown, N. J., claimed his Constitutional privilege self-incrimination when questioned about the files at a House Un-American Activities subcommittee hearing.

The witness, who has refused to say whether he is a Communist, was a one-time executive secretary of the National Committee to Secure Justice in the Rosenberg case.

Exchange With Walter.
In a sharp exchange with Chairman Frank E. Walter (D., Pa.), Alman shouted that Julius Rosenberg and his wife, Ethel, were "railroaded" to the electric chair on "perjured" testimony. Mr. Walter countered that he wasn't fooling anyone one bit; that it was obvious the Communists seized on the case in an attempt to "discredit" the United States.

The subcommittee has been investigating what use the Communists made of the Rosenberg case as a propaganda weapon. The Rosenbergs were executed two years ago at Sing Sing prison.

An affidavit from Greenglass' attorney, O. John Rogge, which said some confidential documents on the case were "stolen" from his files, was read into the subcommittee record today.

Mr. Rogge said they apparently had been photostated

because copies subsequently turned up in the Paris newspapers Combat and later were distributed by the Rosenberg committee in New York.

Alman confirmed that the Rosenberg committee made public copies of the documents, but he refused to say where it obtained them.

"Did you take those files?" Mr. Walter demanded.

"I invoke my constitutional privilege not to be a witness against myself," he replied.

He also refused, on the same grounds, to say if Joseph Brainin, identified as chairman of the Rosenberg committee, took copies with him on a trip to Paris and turned them over to the French newspaper.

Alman said the documents were important because they contained a "hand-written statement" by Greenglass in

which he "refuted" testimony at his trial.

Alman described himself presently as a farmer-novelist. Prior to joining the Rosenberg committee, he said, he was with the American Peace Crusade and the American Council for Democratic Greece.

Subcommittee counsel Frank S. Tavenner Jr. said both groups have been cited as "Communist fronts."

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Rosenberg Committee Aide Won't Tell If She's Communist

WASHINGTON, Aug. 4 (UP)—Mrs. Emily Alman, former treasurer of the National Committee to Seek Justice for the Rosenbergs, refused to tell House investigators Thursday whether she is a Communist.

Mrs. Alman, now a farmer's wife in Englishtown, N. J., also refused to identify her former associates. But she told a House Un-American Activities subcommittee it could get their names out of her checkbook.

SHE TESTIFIED at the final day of the subcommittee's investigation of the national campaign to seek "justice" for atomic spies Julius and Ethel Rosenberg who were executed. Chairman Walter (D-Pa.) said the record would leave no doubt that the Communists used the "cause celebre" to serve their own ends.

Milton J. Sandwire of Detroit, a former FBI informant, told the subcommittee that Communists distributed Rosenberg literature in factories, theatres, ball parks and churches in the motor city.

Subcommittee counsel Frank S. Tavenner Jr., produced three photographs which he said were taken at a conference. The Detroit committee arranged in 1953 with secretaries to Gov. Williams in an effort to get him to add his "high office" to join in a plea for clemency for the Rosenbergs and asked Sandwire if he could identify any of the 11 participants as Communists.

SANDWIRE named four—Ethel Jacobowitz, Lydia Mates, Gert Shatz and Anne Shore. The last three, he said, were among the "most active" members of Communist and Communist front groups in the area.

Mrs. Alman said she was "perfectly willing" to discuss the finances of the national committee and tell how she handled some \$300,000 in funds over a two-year period. But she balked when members asked her to whom she paid \$28,919.95 in salaries to promote the Rosenberg "clemency" campaign.

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Hidden Head of Rosenberg Fund Named as Red in House Inquiry

Spies' Defense Bank Account Yields Evidence

By JACK STEELE,

Scripps-Howard Staff Writer.

WASHINGTON, Aug. 5.—The House Un-American Activities Committee charged today that an alleged Communist was the "concealed" president of a committee which raised \$300,000 to defend atom spies Julius and Ethel Rosenberg.

The House group named this "secret" president of the committee to secure justice in the Rosenberg case as Louis Harap, of New York, who was identified as editor of the periodical, *Jewish Life*.

It produced records subpoenaed from the Chase National Bank showing that an application to open an account for the Rosenberg committee was signed by Mr. Harap as president.

Mr. Harap was identified as Communist.

But Frank Tavenner, committee counsel, said letterheads and literature of the Rosenberg committee bore the names of two non-Communists—Joseph



United Press Photo.

LOUIS HARAP.

Brainin and Daniel G. Marshall—as co-chairmen, without listing any president.

Mr. Tavenner said two witnesses at Un-American Activities Committee hearings in 1953—Granville Hicks and Robert G. Davis—identified Mr. Harap as having been a Communist.

Two former national officials

of the Rosenberg committee ran into trouble yesterday trying to answer questions about the presidency of the group.

Yields to His Wife.

David Alman, of New York, executive secretary of the Rosenberg committee, testified that the group had a president. But he said he didn't know who it was.

His wife, Emily Alman, treasurer of the Rosenberg committee, said she could name the group's president, but pleaded the Fifth Amendment rather than do so.

It turned out that Mrs. Alman also had signed the bank account application with Mr. Harap.

Mr. Alman was recalled to the stand and asked if his wife's testimony had refreshed his memory.

"I never contradict my wife," he said, and then took the Fifth Amendment when asked if he knew Mr. Harap.

Both Mr. and Mrs. Alman took the Fifth Amendment when asked if they were members of the Communist party.

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Invokes 5th on Theft Of Rosenberg Memos

Washington, Aug. 5.—David Alman, former executive secretary of the Committee to Save the Rosenbergs, refused today, on grounds of possible self-incrimination, to say whether he stole confidential documents on the atom spy case from O. John Rogge, attorney for witness David Greenglass.

Rep. Francis Walter (D-Pa.), chairman of the House Un-American Activities Committee, brought up the subject in today's concluding hearings on the operations of the Rosenberg group.

He introduced an affidavit made yesterday by Rogge, which stated that in April, 1953, his file of memos between himself and Greenglass were "stolen" and their contents reproduced in Combat, a pro-Communist newspaper in Paris. Rogge said publication of the file abroad was intended to "divert attention from the authors of the theft.. and make their detection more difficult."

The Rosenberg committee in 1953 had alleged that the contents of the file constituted "new evidence" warranting a new trial for Ethel and Julius Rosenberg. Greenglass' testimony helped get the Rosenbergs convicted.

"Did you take those files?" Walter asked Alman. Alman invoked the Fifth Amendment and refused to answer.

Alman also refused today to say whether Joseph Brainin, identified as chairman of the Rosenberg committee, took copies of the Rogge documents with him on a trip to Paris in April, 1953, and turned them over to Combat.

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Witchhunters' New Target; Defenders of Rosenbergs

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by VIRGINIA GARDNER

WASHINGTON.

MORE THAN TWO YEARS too late to crucify Ethel and Julius Rosenberg. Chairman Francis E. Walter of the Un-American Activities Committee last week ~~was dogged~~ about the job of crucifying the courageous men and women who sought clemency and

justice for them. But it is possible the ghoulish task had little appeal for members of the House Committee.

At any rate, with almost each sitting the subcommittee changed composition. As Congress adjourned, Rep. Gordon Scherer (R-O), proud in his acclaim for the first day's lone stoolpigeon, had left the hunt for "Communism" and beat it home. After some delay in opening the second day, Chairman Walter announced he had appointed new members of the subcommittee and a quorum was present. Sharing the dais with him was Rep. Clyde Doyle (D-Ct) only.

BY LATE afternoon the chairman's gravedigging crew was augmented. The ceremony of thanking the third stoolpigeon witness was taken over by Rep. Edwin F. Willis (D-La). In Southern campaign oratory style he said the subcommittee represented—and it did—all the Congressmen who came and went were counted—north, south, east and west, and all 475 members of Congress. There are 435 members, but in other ways, too, Rep. Willis strove to bolster up the informer A. A. Czarnowsky.

He twice pleaded with him. "Don't give up." And he told him further: "Don't let the suckers bother you." The witness, who had boasted he was the star witness against Claude Lightfoot, veteran Negro Communist leader in Chi-

appealing a Smith Act conviction under the membership clause, replied he was used to such.

THE hearings wore on. Chairman Walter himself, thin-featured, his face flushed beneath his shock of white hair, took on a haunted look about the eyes. When the reporter approached him in a room and asked him if he had come out for clemency for the Rosenbergs, as stated by a witness, he said he might have, that he would have said, if asked, he was not in their execution, and would say today. "I long ago came to the conclusion, based on my experience," he said, "that what I'd accepted in law school as right, capital punishment, was wrong. I do not believe in capital punishment."

That reminds me of a judge in my home town," the reporter told him: "He, too, was against capital punishment—but he became known as Hanging Judge Parker. You may have read a book about him—called that."

But Chairman Walter and his haunted gaze—possibly haunted by November 1956—turned away.

ATL THREE stoop pigeons produced by Wednesday evening had spent varying periods of time within the Communist Party as EBL agents, joining the Party at the behest of the FBI. One of them, Herman F. Thomas, Allentown, Pa., allegedly once had been in the party legitimately in the thirties before launching an 11-year period of feeding at the FBI trough. The Chicago stoop pigeon also claimed some past of decency. He had first made the acquaintance of the FBI, he testified, when he reported on Nazi activities. And, he said, unblushingly, and without causing even a mild sensation except in the audience of 30 or more, it was then, when he reported Nazi activities, that the FBI asked him to try to join the Communist Party. And he did.

IN THE AUDIENCE daily was a small woman who listened intently; her big dark eyes often glowing with appreciation as a witness.

She was Mrs. Helen Sobell, wife of Morton Sobell, convicted with the Rosenbergs, and locked in Alcatraz prison while Congressmen and a flock of aides huddled daily over how to keep him there.

THE 10 or 12 aides or advisers building in a pre-hearing session in the big almost empty Old House Office building caucus room Wednesday included a pompous looking big man who was holding forth at length while investigators, assistant investigators, counsel, clerk, assistant clerk, and a couple of unknowns listened raptly. He was said a committee publicity man, Andrew Fineberg, author of "The Rosenberg Case," which he mentioned reverentially.

Asked what he was doing there, the press agent said, "It's his job. Was he on a retainer? Oh, no, 'just giving background data,'" he said. He added Fineberg went to Europe last year, he thought for the

State Department. As The reporter pressed, the committee had not requested the advice of John Wexley, author of "The Judgment of Julius and Ethel Rosenbergs."

LATE WEDNESDAY petite Mrs. Josephine Granat, of Chicago, gave the committee a bad time. Asked if she had been secretary of the Chicago Rosenberg committee, the young Negro woman began, "Mr. Taverner, I feel very strongly about the Rosenberg case."

The chairman intimated her, declaring they would listen to no statement or "Commie drivel," but she went on, her voice rising: "I don't need you to put words in my mouth. . . . Inasmuch as you've made up your minds, I don't see why you're wasting the taxpayers' money." Like other former workers in local or the national Committee to Secure Justice for the Rosenbergs, she invoked the Fifth Amendment as to her connection and activities with the committee.

When asked by Rep. Edwin E. Willis (D-La.), who was silent for the most part, why she didn't stand on the First Amendment, she thundered at him: "You will not tell me how to answer."

The hearings were scheduled to continue tomorrow. Accompanying most of the witnesses was attorney Joseph Forer of Washington.

CHAIRMAN WALTER was asked by Herman Tamsky, of Boston, why the hearing was being held just at this time, after a petition to investigate the Justice Department's handling of the Rosenberg-Sobell case had been submitted to the Hennings Senate Judiciary subcommittee on civil rights. Before he caught himself Walter had said defensively that it wasn't inspired by that petition.

But Mrs. Sobell pointed out at a press conference held by her and Rose Sobell, Morton Sobell's mother, that the petition was submitted July 18, by the Committee to Secure Justice for Morton Sobell. The subpoenas, she said, were dated July 18 and July 19.

Ike Opens Tax Files to Probers

By VIRGINIA GARDNER

WASHINGTON, Aug. 7. — Power to examine income tax returns—almost unprecedented in the recent history of Congressional committees — was extended to the House Committee on Un-American Activities by an executive order shortly after it wound up four-day hearings on the Rosenberg committee.

The action by President Eisenhower, which was revealed by the House committee aids, was reminiscent of Eisenhower's appeasement in an earlier period of Sen. Joseph McCarthy, whose mantle has fallen on the shoulders of Democratic Rep. Francis E. Walter and Sen. James O. Eastland.

Late Friday, less than two weeks after the President reported to Congressional leaders on the Geneva conference, he issued the executive order, which became

known to the House committee Saturday. Chairman Walter had requested such powers two months earlier in his headline hunt for "secret angels" of the Communist Party and so-called "front groups."

UNPRECEDENTED

The executive order, with its sweeping powers, never extended to one of the witchhunting committees by ex-President Truman even at the height of the government's pretended "spy hunt," hinted at the whipping up of witchhunts as the 1956 election nears.

Un-American Committee aides regretted, in speaking to reporters, (Continued on Page 3)

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Like OK's Tax Files for Probes

(Continued from Page 1)

that the new authority came too late to use in last week's "investigation" into the old National Committee to Secure Justice for the Rosenbergs.

Many records revealed to Internal Revenue Service examiners were later destroyed with government permission it was said.

Committee counsel and members were confronted Thursday and Friday by two former national Rosenberg committee officials, David and Emily Ahnan, who freely testified as to committee funds and activities and their own notes. They claimed their privileges under the First and Fifth Amendments, however, when asked questions involving others.

Even the stoolpigeons put on the stand, who joined the Communist Party at the behest of the FBI, had nothing to say as to any Rosenberg campaign funds being channeled to the Communist Party. But Chairman Walter announced as the hearings ended they showed Communists exploited the Rosenberg case "to discredit the United States" and to raise funds for their own use.

Meanwhile Frank S. Travenner Jr., committee counsel, Friday unwittingly aided the attempt of the Committee to Secure Justice for Morton Sobell in its efforts to obtain a retrial on the basis of new evidence uncovered after the Rosenberg-Sobell trial of 1951.

ROGGE'S AFFIDAVIT

Tovenner put in the record an Aug. 4 affidavit by O. John Rogge, attorney for David and Ruth Greenglass, self-acclaimed "co-conspirators." Greenglass is in Lewisburg penitentiary on a 15-year sentence. His wife never was indicted.

The affidavit and copies of letters from Rogge to the late Emanuel Bloch authenticated various documents as having been taken by persons unknown from the files in Rogge's law office and published first in a French newspaper, "Combat."

The documents are cited as proof of "perjuries sanctioned by the prosecution" in the petition to the Hennings Judiciary Subcommittee on Constitutional Rights, submitted by the Sobell committee July 18, asking an investigation of the Department of Justice' handling of the trial.

Travenner, after reading Rogge's affidavit and letters, said to Al-

man, on the witness stand: "So we now have atomic secrets which were stolen and secret documents which were stolen."

Alman quickly pointed out that "Mr. Rogge's statement authenticates the documents." Before Tavenner could stop him he added:

"The documents in question indicate that no atomic secrets were stolen."

While Tavenner and the chairman began rumberling, Alman said in a loud voice they were in fact documents which prove the innocence of the Rosenbergs.

"We're not trying the Rosenbergs," Chairman Walter growled, banging the gavel.

GREENGLASS STATEMENT

The document included a handwritten statement by Greenglass to his lawyers and a memo by one of the firm summarizing an interview with Ruth Greenglass. Bloch tried unsuccessfully to get Judge Irving Kaufman, trial judge and higher courts to consider them as proof of perjury in 1953 and 1954. He never got them before any court, however.

It was in his handwritten note Greenglass admitted "I didn't know who sent (Harry) Gold to see me," though at the trial he said he was sent by Julius Rosenberg.

In the same document Greenglass wrote that the FBI had told him, Greenglass, that he had asked Gold to return later on the morning of his alleged visit to the Greenglass apartment in Albuquerque. "I didn't remember this, but I allowed it in the statement," Greenglass wrote. He subsequently testified to the FBI version.

He wrote in the same document he couldn't remember what he gave Gold. At the trial he said he gave him a sketch of a crucial segment of the A-bomb, and reproduced it in court—a sketch he dashed off the previous day, supposedly retained by memory after a lapse of seven years.

Last of 21 witnesses to be called, Louis Harap, editor of Jewish Life, was alluded to by Tavenner as "titular head of the committee." Harap said he never headed the committee or acted as head. He had signed an application to a bank, however, when in 1952 Emily Alman was having difficulty in opening a bank account for the committee.

Wexley on the Rosenbergs: More Fancy Than Facts

THE JUDGMENT OF JULIUS AND ETHEL ROSENBERG. By John Wexley. Cameron and Kahn. 664 pp. \$6.

By NANCY F. WECHSLER

Mr. Wexley opens this volume with an author's note in which he purports to have written on the Rosenberg case in "the most impartial" way and with "every important point in the case, whether favorable or unfavorable to the defendants . . . fully presented." This pious disclaimer is promptly and consistently ignored in the ensuing work of approximately 700 pages, which is about as objective as an editorial in the Daily Worker.

The tone of the book is set at the outset in the "Chronology of Events" where it is stated that:

"Morton Sobell, former college classmate of Julius Rosenberg, while on a vacation trip to Mexico City with wife and children, forcibly abducted by Mexican secret police and 'deported' across the Texas border, arrested by the FBI on charges of having conspired to commit espionage with Rosenberg."

Thus Wexley presents as fact an item which was a central disputed issue in the case. This is typical of the author's disingenuous way with factual material throughout the book. The fact of the record is that the government introduced detailed evidence designed to prove that Sobell (by changes of name, inquiries about passage out of Mexico, etc.) was in guilty flight during his Mexican sojourn. Sobell asserted (after the trial, since no evidence was produced on his behalf) that the Mexican picture was only that of a vacation trip complicated by thoughts of remaining out of the United States because of fear of "political persecution."

Thus, whether Sobell was vacationing or running for his life is a question of fundamental disagreement. But Mr. Wexley's "Chronology of Events," which is supposed to set the framework for the reader's study of the case, blandly accepts the vacation story as true. This is only one of many instances of the author's

method of treating facts—based on his assumption that any claim of the defendants is true, and all claims of the prosecution either perjured or irrelevant.

So far as the Sobell flight matter is concerned, there is real doubt whether the government's case, which rested on the evidence of flight and the testimony of only one additional witness, should have permitted conviction of Sobell.

But this is not Mr. Wexley's point. He cannot admit that the Government may have proven its case because it is his thesis that the Rosenbergs and Sobell were the wholly innocent victims of a calculated political frame-up. Wexley's consequent effort to sustain the vacation plus fear of persecution theory is one of the sorrier flights of fancy in a work characterized by its inventive disposal of embarrassing evidence.

In order to sustain the frame-up theory Wexley attempts to prove (1) that there is no valid evidence of any atomic espionage deriving from Fuchs and Gold and (2) that the prosecution of the Rosenbergs and Sobell was concocted by deliberate and malicious collaboration among the prosecutors, the judge, the government witnesses and their lawyers.

The Rosenbergs and Sobell are said to have been the victims because they were "progressives," although the precise nature of their progressivism is left customarily vague. The author's support for this charge is constructed on a combination of fantasy, character assassination, admitted fact and analysis of genuine discrepancies in the government's case. There is utter failure to substantiate the charge, although there are few devices of misrepresentation, distortion and appeal to prejudice which are omitted in the attempt.

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To the extent that Wexley does succeed in casting doubt on certain aspects of the government's case and on the fairness of the trial, it is not because his politics or his method commend themselves to the reader's sympathy, but because in spite of them there are grounds for concern whether full justice was done in this case.

The Communist argument of "cold war frame-up" (on which they were strangely silent during the trial) is, of course, not the real issue. What should be considered is whether the verdict and sentences were arrived at on sufficient evidence and according to proper judicial procedures, and this should be considered without any delusion about the innocent progressivism of the defendants.

Assuming as it seems reasonable to do, that they were Communists and that they were engaged in some realm of espionage activities, the question remains whether the record in the case justified the drastic result.

Whether Sobell should have been convicted on the meagre record against him, whether Greenglass's claimed reproduction of a cross-section of the atomic bomb was sufficiently credible to support the convictions or the sentences, whether the subject of Communist affiliation was introduced in a way calculated to prejudice the defendants, whether the tactics of the prosecution or the demeanor of the judge impaired the fairness of the proceedings, whether the defendants were convicted and sentenced on a record which might not have produced the same result in calmer times—all these are real issues which call for honest appraisal.

They are not handled honestly in this book which at no point contains a coherent or straightforward account of the case against the defendants, or, indeed, any accurate picture of the case.

An objective book should be written about the complicated legal issues in the Rosenberg case. This is not it, any more than would be a comparable volume by Irving Saypol or Roy Cohn.



Ethel and Julius Rosenberg

THE TIMES FRIDAY AUGUST 12 1955

Imperial and Foreign News

DISPOSAL OF RADIOACTIVE SURPLUS MATERIALS

SAFETY PROBLEM CAPABLE OF SOLUTION

FROM OUR SCIENCE CORRESPONDENT

GENEVA, Aug. 11 — Nuclear reactors, soon to be shut down by radioactive waste disposal, have been shown to be safe from fission products, according to a report given by Russian scientists. Most previous information has come from workers in the Dutch-Norwegian research organization, and has been subject to criticism.

The use and disposal of radioactive materials

RUSSIAN ACCURACY

There was interest also in the close agreement between the detailed results of experiments done in all countries. An "estimation" assurance was given after the comparison that the Russian work was, and could only have been, the result of independent and good research, carried out to about the same standard of accuracy as that attained by the principal western atomic laboratories. A theoretical treatment of the fission process at the University of Geneva, led to the somewhat speculative prediction that atomic energy could be produced in a reactor.

This is the report in the London Times proving that the Geneva atomic talks have blasted the myth that the Soviet Union was helped in atomic development by espionage.

Geneva Atomic Science Findings Prove Innocence of Rosenbergs

(Continued from Page 1)

The papers. What the papers of August 11 showed, these scientists explained, was that the Soviet Union had developed atomic energy completely on its own and not with the aid of any espionage.

★

It was at this point in the conference that I had to return home. In Paris, enroute to New York, I picked up the august and respectable London Times of Friday, Aug. 12. Its lead story on the atoms for peace conference was signed in the deliberately restrained London Times manner: "From Our Science Correspondent." And the story indicated how the science correspondent had consulted after the previous day's session with British scientists who had given a most important and "entirely firm" assurance. The account in the London Times said:

"During the same session American, British and Russian speakers combined to give the most accurate and detailed measurements yet available on all aspects of the fission process. . . .

"There was interest also in the close agreement between the detailed results of experiments done in all countries. An "entirely firm" assurance was given after the conference that the

Russian work was, and could only have been, the result of independent and good research, carried on to about the same standard of accuracy as that attained by the principal western atomic laboratories."

For those of us who couldn't get the evidence directly from the conference papers themselves the scientists had explained it. Not any so-called espionage secrets, but "independent and good research," had produced the Soviet atomic bomb.

★

IN AN EDITORIAL entitled "The End of Atomic Secrecy," the Providence Journal wrote on Aug. 13:

"What will surprise many Americans who have been hibernating with the belief that the atomic secrecy laws of Congress gave this country a monopoly—or at least a superiority—in atomic knowledge, is the tremendous advance made in the peaceful atomic field in other countries. . . .

"This is particularly pertinent in connection with the Russians. We have all along thought, or been led to believe, that Russian knowledge of atomic energy was derived from the secrets stolen by spies working in the U. S. Now a paper on the exact and precise measurements of the

atomic fission process by a Russian scientist endorses the truth of the universality of scientific knowledge.

A layman must depend on scientific authority for statements in this field; therefore, we must take for corn the statement of a scientist that the Russian paper demonstrated that the Russians had arrived at their conclusions by their own knowledge and research and not by material gathered from spies. Another truth is thus being demonstrated at Geneva—that you cannot fake scientific knowledge, and the scientists are convinced that Russia has it."

★

THUS was a myth of the cold war exploded at the historic Atomic conference in Geneva. Glance back at the words of Judge Kaufman where he was "justifying" the execution of the Rosenbergs. Read again the words of President Eisenhower on that day when he was trying to wash his own hands clean. And then read the judgment of the scientists of the whole world.

In breaking down the curtains that have been obstructing the greater developments of knowledge and science, in destroying the myths of the cold war the scientists have contributed immeasurably to ending the whole cold war.

Geneva Atomic Science Findings Prove Innocence of Rosenbergs

By JOSEPH CLARK

I HAVE JUST returned from a conference in Geneva where the world's leading scientists have said in effect that the Soviet Union did not use any so-called spy information to develop its atomic bomb. Furthermore, these distinguished scientists have by direct implication indicted Judge Kaufman for perjury for his accusation against Ethel and Julius Rosenberg. The conference, which ended this weekend was the UN sponsored gathering which brought to-

gether 1,200 scientists and 800 advisors from 72 countries to discuss the peaceful application



of atomic energy. It was unique in the way it pulled up the curtains and veils of secrecy on the atomic developments both in the East and the West. It was a conference imbued with the Geneva spirit of easing tensions and ending the cold war.

★
TO TRACE the connection between this conference and the Rosenberg case we must go back more than two years. In pronouncing the sentence of death against Ethel and Julius Rosenberg Judge Kaufman said:

"I consider your crime worse than murder . . . I believe your conduct in putting into the hands of the Russians the A-bomb before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason."

And when the Rosenbergs were burned on the electric chair, June 19, 1953, President Eisenhower tried to clear himself by declaring:

"I can only say by immeasurably increasing the chances of an atomic war the Rosenbergs may have condemned to death tens of millions of innocent people all over the world."

Now the scene shifts to the Grand Palace of the Nations in Geneva. It is Thursday, Aug. 11 and some particular complex and detailed papers are being read by American, British and Russian scientists. Each day we received huge packets of these scientific papers, filled with those long and strange equations and formulae which are so difficult for the layman to understand.

Frankly, when I had the scientific papers of that Thursday in my hands on the day before I did not see anything especially

significant or newsworthy about them. But to the scientists they were of the utmost importance. These were papers which outlined the exact process, the exact scientific steps that had been

taken in each country to release the awesome power of atomic energy and to make atomic bombs.

Fortunately the correspondents at the atoms for peace conference could always go to the UN scientific secretaries or to the scientific delegates themselves to get the lowdown on

(Continued on Page 12)



JUDGE KAUFMAN

CLIPPING FROM

THE WORKER

DATED Aug 21, 1955

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ASSEMBLY FOR JUSTICE

for

MORTON SOBELL

CARNEGIE HALL - SEPT. 29 (Thursday)

8 P.M.

Speakers:

United States Senator **WILLIAM LANGER**

WALDO FRANK, Novelist and Essayist

JOHN FINERTY, Attorney in Sacco-Vanzetti
and Mooney Cases

WARREN K. BILLINGS, Co-Defendant in
Mooney-Billings Case

Tickets: \$1.25 available at Box Office at

National Committee to Secure Justice for Morton Sobell
1050 Sixth Avenue, N.Y.C. (nr. 10th St.), Longacre 4-9385

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GOP Hits Langer on Pro-Sobell Rally

By WILLIAM HENDERSON

New York State Republican leaders, who were critical last year of the appearance of Sen. Langer (R-N.D.) at a leftist-sponsored meeting in New York City, expressed dismay again Wednesday over his scheduled role as principal speaker at a rally tonight (Thursday) at Carnegie Hall under auspices of the Assembly for Justice for Morton Sobell.

Sobell, co-conspirator of executed atomic spies Julius and Ethel Rosenberg, is serving a 30-year term in Alcatraz and is fighting for a new trial.

A SPOKESMAN for the GOP State Committee said Langer's appearance is embarrassing to the party.

In addition to Langer, whose speech has been featured for

several days in advertisements in the Communist Daily Worker, the rally also will hear Sobell's wife, Helen, and others.

Langer's participation last year in a rally labeled "Rebirth of Freedom" drew sharp protests from GOP colleagues. They pointed out that he would appear on the same platform with teach-

ers dismissed for refusing to say whether they had ever been Communists.

AT THAT TIME, a high Republican official said Langer was "exhibiting poor judgment and taste by his appearance on the same platform with persons who have been cited for contempt."

Mirrored
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Mail Editor

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Senate Probe Sought Of Sobell Frameup

The national circulation of a new appeal to the Senate Subcommittee on Civil Rights will be started at the Assembly for Justice meeting for Morton Sobell at Carnegie Hall this Thursday. The appeal, which calls for a full investigation of the conduct of the Attorney General's office in the Rosenberg-Sobell case, will be sent by the Sobell committee to prominent Americans throughout the country who will be asked to join in the request.

Speakers at the meeting Thursday night will include U.S. Senator William Langer, novelist

Waldo Frank, attorney John F. Finerty, who defended Sacco and Vanzetti and Warren K. Billings, who was framed with Tom Mooney and later granted complete pardon.

The new appeal says to the Senate Committee:

"It is now five years since Morton Sobell along with the Rosenbergs was indicted for conspiring to commit espionage. The year 1950 represented a period of extraordinary tension both on the international and domestic scenes. The Korean War was then going on. In that context the announcement of the arrest and the charges against Sobell and the Rosenbergs resulted in an attitude of hostility and anger directed towards them unprecedented in our history. . . .

"The events of the past several months on the international scene, the recognition by the scientists of the world in the Geneva Conference on the Peaceful Uses of Atomic Energy that there is no monopoly on atomic secrets, afford a new perspective in evaluating this most significant case."



WARREN K. BILLINGS

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ASSEMBLY FOR JUSTICE

for

MORTON SOBELL

CARNEIGE HALL - Sept. 29

(Thursday) 8 P.M.

Speakers:

United States Senator **WILLIAM LANGER**

WALDO FRANK, Novelist and Essayist

JOHN FINERTY, Attorney in **Succo-Vanzetti**
and **Mooney Cases**

WARREN K. BILLINGS, Co-Defendant in
Mooney-Billings Case

MRS. ROSE SOBELL, Mother of **Morton Sobell**

Tickets: \$1.25 available at Box Office or

National Committee to Secure Justice for **Morton Sobell**
1050 Sixth Avenue, N.Y.C. (nr. 40th St.). LOUgarc 4-9585

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Langer Backs Sobell In 'Justice' Rally Here

Sen. William Langer, R., N. D., said last night that "as a member of the Senate Judiciary Committee, I am glad to speak for Morton Sobell," the man convicted with Julius and Ethel Rosenberg for having transmitted atomic secrets to Russia. The Rosenbergs were put to death in Sing Sing in 1953 for their part in the conspiracy.

Speaking at a meeting sponsored by the National Committee to Secure Justice for Morton Sobell, 1050 Avenue of the Americas, at Carnegie Hall, Sen. Langer said: "His case is not finished yet. It is due to come up for appeal. When this is disposed of, I will take the matter up with the Attorney General of the United States to see that justice is done for Morton Sobell."

About 1,300 persons attended the meeting.

Sobell, a radar and electronics expert, was found guilty in 1951 of conspiring with the Rosenbergs to steal American military secrets and furnish them to the Soviet Union. He was implicated to a lesser degree than the Rosenbergs and sentenced to thirty

years in prison. The United States Supreme Court denied him a review of his case in February, 1954.

Sen. Langer said: "I will do all I can to see that justice is done in Sobell's case."

Sen. Langer said he had served for seven years on the Senate Judiciary Committee and that Alcatraz, where Sobell is confined, "is the worst prison in the United States and I and many others have many times condemned it.

"I feel that the far-reaching powers of the Attorney General of the United States should be used as much to help prove an accused man innocent as to prosecute the guilty. We need a new law for this.

"Other members of the Senate Judiciary Committee tell me they will be glad to put their hands to the plow and see that Morton Sobell gets justice."

Waldo Franks, novelist; Warren K. Billings, co-defendant in the Mooney-Billings case, and Mrs. Sobell also spoke. Angus Cameron, publisher of "False Witness," by Harvey Matusow, was chairman.

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'JUSTICE' FOR SOBELL IS URGED BY LANGER

Senator William Langer, Republican of North Dakota, said last night he would "do all I can to see that justice is done for Morton Sobell." Sobell is serving a thirty-year sentence in Alcatraz, as an accomplice of Julius and Ethel Rosenberg, executed atom spies. An appeal is pending.

Senator Langer did not elaborate except to say he would take the matter up with Attorney General Herbert Brownell Jr. He spoke at Carnegie Hall at a rally sponsored by the National Committee to Secure Justice for Morton Sobell.

Senator Langer is ranking minority member of the Senate Judiciary Committee, but he is often at odds with the Republican leadership in Congress.

Senator Langer at the audience he was "glad the great liberal Corliss Lamont was found innocent of contempt of the Senate." An indictment charging Mr. Lamont with contempt in refusing to answer questions put to him by Senator Joseph R. McCarthy, Republican of Wisconsin, was dismissed as defective last July by Federal Judge Edward Weinfeld. The Government has appealed the dismissal.

Among other speakers at the rally were Mrs. Sobell and Waldo Frank, the author. The chairman was Agnes Cameron, of Cameron and Kahn, publishers of "False Witness" by Harvey Matusow.

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Number 7

The Case of Morton Sobell

the Editor of the Journal:

Our attention has been called to a letter appearing in your "Opinions of Readers" column on Sept. 2, 1955, signed by Mickey Colbert.

We hope that Mr. Colbert will agree that when thoughtful citizens—among them many eminent attorneys—study the court record of an important trial and come to the conclusion that justice has not been done—they have both a right and a duty to speak their mind. The citizen who observes—in large or small measure—the work of such a group of people also has an obligation to express his opinion on the basis of his study of the record and other available materials. This is true regardless of our pleasure or displeasure at the names or histories or politics of those who have undertaken to correct what they believe to be a great wrong.

Mr. James A. Wechsler, editor of the New York Post, stated on the American Forum of the Air on Sept. 16th, 1955, "... we are tending to throw our pressures toward non-activity on the part of Americans in perfectly good causes. Now, some men are going to be convicted wrongly in our courts. There are going to be appeals, there are going to be lawyers on their behalf. I wonder if the real question is whether the balance isn't on the side of having maximum freedom in our society, rather than the constant revelation of facts known which can create a sense of reluctance to participate in political and

It is in this sense that we urge Mr. Colbert to open his mind to the spirit of true Americanism which is to help make a better America. When the New York Times did not state that Mr. Kent was a member of so-called "troops," they did state that Mr. Kent is the most distinguished American artist. When Mr. Colbert by inference slights Mr. Wexley's "The Judgment of Julius and Ethel Rosenberg," he should read it first, and then be as critical as he wishes.

It is in the spirit of open-minded inquiry, that we urge upon Mr. Colbert, that we have requested the Senate Subcommittee on Civil Liberties to undertake a full investigation of the case of Morton Sobell. It is our belief that such a full inquiry will disclose that, at least, there is serious doubt as to the guilt of Morton Sobell.

Unfortunately, some people, like Representative Walter, think that the protection of the rights of Americans demand the practice of "assassination by slander." The Congressman has stated that money collected by the Sobell committee went into the pockets of Communists. We have issued a public challenge to the Hon. Mr. Walter to prove his assertion by pointing to one line of testimony or one single fact brought out by his committee. Our committee books are fully audited. We have caused to be published full financial statements. If Mr. Colbert is really interested in what happened in our financial affairs, we are fully prepared to make whatever information he wishes available to him.

—AARON SCHNEIDER
For The Committee To Secure
Justice For Morton Sobell

New York City.

Winston Salem Journal
Winston Salem, N. C.
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Senator Vows Aid to A-Spy

U. S. Sen. William Langer last night promised to do "all I can to see that justice is done" in the case of Morton Sobell, atom bomb spy now serving a 30-year sentence in Alcatraz.

The North Dakota Republican spoke at a Carnegie Hall meeting of the "National Committee to Secure Justice for Morton Sobell." Presiding was Angus Cameron, publisher of "False Witness," written by turncoat Harvey Matusow.

Langer said he was "glad" to speak in behalf of Sobell.

Noting that Sobell has an appeal pending, Langer said that when it is disposed of, "I will take the matter up with the Attorney General of the United States."

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An analysis of John Wexley's attempt to prove that the atom spies were really the victims of a vast plot

APOLOGIA FOR THE ROSENBERGS

By S. Andhil Fineberg

JOHN WEXLEY'S *The Judgment of Julius and Ethel Rosenberg* (Cameron and Kahn) restates at great length the Rosenberg story told by the defunct Committee to Secure Justice in the Rosenberg Case. According to this internationally propagandized version, the Rosenbergs were innocent, the witnesses against them were guilty of perjury, and the trial judge deliberately mis-conducted the trial. Other villains in the case include Government officials and the FBI. Wexley calls the Rosenberg case a "frame-up," and identifies it with the trial of Jesus, "the dread Inquisition," "the theocrats of Salem" and "the frame-up of Captain Dreyfus in France."

The author confines the review of the case to the trial court record and disregards the voluminous records of the higher courts, where most of his major arguments were presented and contradicted. Wexley's account gives no consideration to the Government briefs in the higher courts which answered many arguments which he is merely repeating, nor does he indicate that the higher courts rejected each of those arguments as illogical, unsubstantial or both.

One way to view the Rosenberg case is to study the major facts. For example, no one can deny that David

Greenglass pleaded guilty to atomic espionage. That is an incontrovertible fact. Had he not confessed, or had he been tried and found innocent, the Rosenbergs and Morton Sobell could not have been convicted. The question then arises: Did Greenglass have to plead guilty? Wexley argues that Greenglass lacked the scientific knowledge necessary to convey atomic secrets. If such were the case, Greenglass certainly should have pleaded innocence and spared his mother, his wife, his children and himself immeasurable degradation. He would have escaped a 15-year prison sentence by declaring, if it were so, that he was incapable of committing the crime of which he was accused.

Wexley explains Greenglass's failure to take this road of defense by saying that Greenglass had stolen some uranium from the Los Alamos project and was afraid of the FBI. Stealing a bit of uranium is to atomic espionage what forging a check is to murder. We are asked to believe that instead of risking a five-year maximum penalty if tried and convicted of the minor crime, Greenglass preferred to confess to atomic espionage, which could even bring a death sentence. No lawyer would permit his client to do this.

Wexley must, therefore, expand his story. Another villain is needed. According to Wexley's account, Greenglass was also "framed." By whom? Wexley asks us to believe that the prosecution selected Green-

glass's attorney, O. John Rogge in order to assure Greenglass's confession. He furnishes no reason to believe this besides conjecture.

Not only Greenglass, however, would have escaped infamy had it been proved that he was incapable of committing the crime of which he was accused. According to all the testimony presented in the courtroom, Greenglass was capable of communicating atomic secrets. The defense did not challenge his ability to do so. Yet, if Greenglass could not in truth communicate atomic information, the Government attorneys were taking a tremendous risk. They would have been thoroughly discredited and would have appeared utterly foolish if, instead of convincing the jury that Greenglass was guilty, they charged him with a crime which he could not perform.

Surely if David Greenglass were unable to commit the crime, his own sister, Ethel Rosenberg, would have known it and would have communicated that fact to her lawyer. And what about Julius Rosenberg, something of a scientist, who had training adequate to judge his brother-in-law's competence? Would Julius not have told his lawyer? Why did the Rosenbergs never complain on this score? Perhaps the next version of the Wexley edition will include the defense attorneys as partners of the "frame-up."

An extraordinary bit of espionage was the pilfering of the files of O. John Rogge's office. The complete file of David and Ruth Greenglass's heart-to-heart talks with their lawyers were taken and were returned after being photostated. The Committee to Secure Justice in the Rosenberg Case was undoubtedly involved. The Committee published the memoranda in which they could find any phrase or line that could be used for their purposes. Mr. Wexley has made full use of the memoranda. In none of these memoranda has Greenglass shown any doubt that he committed the crime he confessed. There is nothing there explaining why Green-

S. ANDHIL FINEBERG, author of *The Rosenberg Case—Fact and Fiction*, is on the N.Y. Board of Rabbis and is Community Relations Consultant of the American Jewish Committee.



O. JOHN ROGGE: MADE NO DEAL.

glass testified against his sister Ethel, other than the fact that she was guilty. In this pilfered treasury of the Greenglasses' innermost thoughts, Wexley should have discovered devastating proof of his major themes. If he were right. Yet only by extracting a few phrases and reading his own meanings into them does Wexley find useful kernels in this very extensive material.

Wexley claims that Rogge arranged a deal to obtain a life penalty for Greenglass in return for Greenglass's taking the witness stand and telling a long, detailed account—a fictitious one, according to Wexley—which hours of grueling cross-examination did not dent. For many pages, Wexley portrays Rogge as a perfidious partner of Judge Kaufman and Prosecuting Attorney Irving Saypol.

Naturally, Rogge had followed the practice in all such cases and investigated the possibility of a lightened sentence; but, as is customary in such interviews with the prosecution, there were no guarantees. There was no deal.

If Greenglass had been sentenced to a year, or two, or five, Wexley would have said: "There is the proof of the deal." Greenglass was sentenced to 15 years of imprisonment. This does not disturb Wexley. Having taken full advantage of the assump-

tion that there was a deal, he now calmly says, "Judge Kaufman went back on the deal." This he knows by intuition: there is no evidence whatsoever to support such fantastic reasoning. And so it is with his treatment of Morton Sobell, who at one point is merely taking a normal vacation to Mexico at peace with himself and the world, and at another is also pictured by Wexley as scared to death of the hysteria in the United States. The former fits in nicely with some of Wexley's fantastic reasoning and the latter supports other arguments that serve the author. But put the separated passages together and we find that Wexley has Sobell sauntering to Mexico on vacation and at the same time fleeing in panic to Mexico.

Wexley repeats a canard when he blames on the Prosecuting Attorney the fact that no Jew was on the jury of the Rosenberg case. Fully a half-dozen Jews were accepted as jurors by the prosecution. Several would have remained in the jury box had the Judge not found it necessary to excuse them. In every instance of a prospective juror's being dismissed by the Judge, it was for a valid reason which appears in the record and which has nothing whatsoever to do with the person's being Jewish. Several of the Jewish panelists whom the prosecution accepted were eliminated by the defense. Among these was Mr. Louis Friedlander (described only as the vice-president of a rubber company), who had taken his place as Juror Number 11 and undoubtedly would have remained had the defense not employed one of its peremptory challenges to dismiss him. How does Wexley meet that?

He explains that Judge Kaufman and Mr. Saypol "did not object to Friedlander because Kaufman and Saypol would have been overjoyed with the inclusion of the right, dependable kind of a Jew. For then the Government would have had yet another weapon to use in reply to possible charges of anti-Semitism."

Imagine the scene in the courtroom where the Judge and the Prose-

cuting Attorney—both of them Jewish—are presumably determined to keep Jews off the jury. Again and again, Jews reached the jury box without any effort on the part of Judge or Prosecutor to dismiss them. In several instances, Jewish prospective jurors addressed the Judge and gave the Judge valid reason why they should be excused. In no instance did the Judge excuse any Jew who did not of his own volition ask to be excused. Surely this is adequate proof that Communist statements on this score are contrary to fact. Surely here is proof that the whole miserable story of anti-Semitism based upon that deception is a fraud. And now along comes Wexley, reluctant to abandon this contemptible lie. How does he meet the situation? With an even more contemptible suggestion: Since Friedlander would have undoubtedly been a juror had the Defense Attorney not removed him peremptorily, Wexley says that Mr. Friedlander, being a businessman, could correctly be assumed to be a scoundrel. What Wexley is saying in effect is that any Jewish businessman is willing to convict any innocent Jew of atomic espionage. Of such is the quality of Wexley's thinking and argumentation.

Wexley's book shows a basic contempt for the people of the United States. His entire case is built on the concept that Americans are so blood-thirsty and our Government authorities so vicious that the Rosenbergs were victimized to appease "the hysteria."

Wexley cites "air-raid raids in schools" to prove that terror was in the air, but not a single indication from any source to show any relationship between public sentiment and the arrest and conviction of the Rosenbergs. Is it conceivable that if the Rosenbergs were being hounded or if public opinion was poisoned against them, no one would have protested at the time? Search even the Communist press during and some months after the trial, and you will not find a word on that score. The

Soviet Clan Exploits Racial

Strife to Invade South

By VICTOR RIESEL

Comrade Khrushchev's own clan is riding across the South. Leading the pack is the front man for a Soviet atomic spy now in Alcatraz. The Kremlin's carpetbaggers have deliberately invaded the South at its tensest moment.

Having virtually no Communist Party below Mason-Dixon—just one member in Mississippi, 96 in Alabama, 196 in Texas, 135 in Florida, 50 each in Georgia and Louisiana, 95 in North Carolina, 15 in South Carolina, 21 in Tennessee and 53 in Virginia at the latest public FBI count—the pro-Communists decided to set up a propaganda front.

They chose this moment of the South's wracking political and sociological pain to launch a new drive for the freedom of convicted atomic spy Morton Sobell.



Victor Riesel

They sent one of their veteran labor men, Aaron Schneider, riding through community after community. In eight cities they set up headquarters for the Sovieteering "National Committee to Secure Justice for Morton Sobell."

THEY'RE now ready to pour their poison into the troubled political lifestream of the South from these committee headquarters in Miami, Orlando, New Orleans, Houston, Austin, Dallas, Atlanta and Winston-Salem. These are the cities in which their own reports boast of headquarters. Their report reveals no addresses.

Schneider's trek through the South obviously coincides with the turbulence of the tragic integration conflict. The drive for Sobell's freedom was as dead as a Pompeiiian statue.

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MAR 1956

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Shinden

The Soviets ran through more than \$1,000,000 collected for the atomic spies' campaign. The money has all been spent and some government agencies are mighty curious over where it all went.

The comrades were searching for other irritants, when, suddenly, they were told to get busy again on the Sobell freedom campaign. And to start in the South. They proceeded to attempt to make it appear that Jewish, Catholic and Protestant church groups and Negro and labor organizations are interested in their drive.

SCHNEIDER WAS chosen by the Sobell Committee because of his union organizing experience. He once was an officer of the pro-Communist United Office and Professional Workers Union. When he went South recently, he contacted those union officials who would hear him.

The Communist Daily Worker reports that a sub-regional director of the AFL

CIO Packinghouse Workers is included in one of the Sobell Committee sponsor lists. This could mean still more trouble. For such sponsorship could give some of the White Citizen Councils a chance to shout that labor is fronting for a Soviet spy.

This is obviously false, but it could be used by the neo-Ku Klux Klan elements now riding again. The South could well do without more fuel for the labor civil war now developing behind the scenes. Some of the White Councils have already completed their plans for launching a labor division. Jim Hanna, president of the Mississippi Industrial Union Council, has told his colleagues that the drive is on to split local unions off from the AFL-CIO and launch competing groups. This would result in a civil war within the civil war.

Which would give the Kresslin's private clan exactly what it seeks—explosives dumped on the fire of racial feuding in the South.

Sobell, Jailed As Spy, Files Freedom Plea

By NORMA ABRAMS

Charging that the prosecution "knowingly, willfully and intentionally used false and perjurious testimony" against him, Morton Sobell, 38, convicted co-conspirator of executed atom spies Julius and Ethel Rosenberg, yesterday sought freedom from Alcatraz for a new trial.



Morton Sobell

His motion, entered here in Federal Court, asserted that the government at his trial introduced false evidence to show he had been deported by the Mexican government in 1950 into the hands of U. S. officials waiting to arrest him for wartime espionage.

Actually, Sobell contended, he was "abducted" by secret police agents of Mexico City, beaten unconscious and delivered across the border as the result of a plot by Mexican police, FBI agents and the U. S. embassy.

His counsel accused the trial prosecutors of suppressing evidence that purportedly would have shown he was not ousted by the Mexican Department of Immigration. The prosecution, instead, used "false evidence" to show Sobell was caught in flight and returned to the U. S. by the government of Mexico against his will," it was alleged.

"Petitioner was denied a fair trial and deprived of his Constitutional rights," the Sobell petition charged.

U. S. Plans Quick Answer

U. S. Attorney Paul W. Williams announced that papers opposing the Sobell motion would be prepared at once. "There is no foundation for his application," Williams added.

Sobell, a radar expert, was convicted with the Rosenbergs in March, 1951, but received 30 years instead of the death penalty meted out to them because his espionage had dealt with lighter matters than the A-bomb.

Judge Irving Kaufman, who sentenced all three, declared that the Rosenbergs had placed the A-bomb in enemy hands "years before our best scientists predicted Russia would perfect the bomb."

In January, 1953, Judge Kaufman rejected a plea to reduce the Sobell sentence, saying the prisoner showed "no sign of remorse for his traitorous acts."

Sobell then appealed for a new trial on a contention that "newly discovered evidence" tended to show "fabrications and pre-trial inconsistencies by two indispensable prosecution witnesses." He lost all the way up to Supreme Court.

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Heider

Asks Release on Retrial:

Convicted by Perjury, Says Atom Spy Sobell

Convicted atom spy Morton Sobell sought freedom from Alcatraz Tuesday on the ground the government used "false and perjurious testimony and evidence" to convict him.

Contending also that the sentencing court was without jurisdiction to impose a 30-year term on him, he asked for immediate release or a new trial.

The motion was filed through his attorneys in Federal Court here.

SOBELL WAS convicted in 1951 with Julius and Ethel Rosenberg, who were executed, on a charge of conspiracy to commit wartime espionage.

He argues that the prosecution "introduced false evidence to prove that petitioner was deported by the government of Mexico." The evidence was used, he says, to establish that he "was caught in flight and returned to the United States by the government of Mexico against his will."

Actually, he contends, he was overpowered by Mexican secret police and brought north of the border in what amounted to an "abduction," which deprived him of the opportunity to return to this country of his own accord.

THE GOVERNMENT will "vigorously oppose" Sobell's move, U. S. Attorney Paul W. Williams said. He pointed out that in 1953 a reduction in the sentence was refused by Federal Judge Irving R. Kaufman, who said: "Sobell shows no signs of remorse for his traitorous acts."

"Kremlin carpetbaggers" are setting up a committee to campaign for Sobell's freedom, Victor Riesel pointed out on March 7, less than a month before a cold attack blinded the anti-Red columnist.

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SOBELL CONTESTS CONVICTION AS

Counsel for Morton Sobell, serving thirty years for conspiracy to commit wartime espionage, argued yesterday before Federal Judge Irving R. Kaufman for his freedom or a new trial.

Marshall Perlin, Sobell's attorney, contended that the Government had knowingly used perjurious testimony at Sobell's trial, suppressed evidence and had him illegally kidnapped from Mexico to the United States.

This was denied by United States Attorney Paul W. Williams, who asserted:

"The lack of any legal merit in these papers is an affront to this court. The arguments are obviously designed not for legal consideration but to fill the propaganda mills of those who have directed a virulent and abusive attack on American justice even since the conviction of these spies for the Soviet Union."

Sobell was convicted along with Julius and Ethel Rosenberg, who were executed for their part in the conspiracy. Judge Kaufman indicated that the defense had not raised any new issues of fact and that the present charges had been argued after trial and before the United States Court of Appeals. His reserved decision.

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N. Y.

DATED JUN 5 1956

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Sobell Committee

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WLB/MLBFile No: 100-107111 Sub ARe: ROSENBERG / Sobell CommitteeDate: 2/79

(month/year)

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3	4/21/56	N.Y. MIRROR	1	1		
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11	4/21/56	N.Y. TIMES	2	2		
12	4/21/56	N.Y. TIMES	3	3		

*Designated to or from Bureau and/or Albuquerque, New York

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14	6/24/56	N.Y. Times	1	1	
15	6/25/56	N.Y. World Telegram	2	2	
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17	6/26/56	N.Y. Times	2	2	
18	6/13/56	N.Y. Times	1	1	
19	2/57	Catholic Worker	1	1	
20	5/5/57	N.Y. MIRROR	1	1	
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22	9/10/57	N.Y. Herald Tribune	1	1	
23	9/10/57	N.Y. Times	1	1	
24	9/10/57	N.Y. Herald Tribune	1	1	

*Designated to or from Bureau and/or Albuquerque: New York

File No: 100-107111 Sub A

Re: Rosenberg / Sobell Committee

Date: 2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
25	9/10/57	N.Y. NEWS	1	1	
26	10/9/57	N.Y. JOURNAL AMERICAN	1	1	
27	10/8/57	N.Y. TIMES	2	2	
28	10/8/57	N.Y. NEWS	1	1	
29	10/9/57	N.Y. HERALD TRIBUNE	1	1	
30	10/29/57	N.Y. TIMES	1	1	
31	10/29/57	N.Y. MIRROR	1	1	
32	10/28/57	N.Y. World Telegram + SUN	1	1	
33	10/29/57	N.Y. NEWS	1	1	
34	10/29/57	N.Y. HERALD TRIBUNE	2	2	
35	11/12/57	N.Y. HERALD TRIBUNE	1	1	
3L	11/13/57	N.Y. TIMES	1	1	

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File No: 100-107111 Sub A

Re: ROSENBERG/Sobell Committee

Date: 2/78

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
37	11/12/57	N.Y. MIRROR	1	1	
38	11/13/57	N.Y. Daily News	1	1	
39	11/13/57	N.Y. TIMES	1	1	
40	11/14/57	N.Y. Daily News	1	1	
41	11/25/57	N.Y. MIRROR	1	1	
42	11/7/58	N.Y. Herald Tribune	1	1	
43	1/58	Jewish Currents	1	1	
44	3/5/59	N.Y. TIMES	1	1	
45	3/59	Jewish Currents	1	1	
46	4/15/58	N.Y. JOURNAL AMERICAN	1	1	
47	4/15/59	N.Y. Post	1	1	
48	4/15/59	N.Y. Daily News	1	1	

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(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		*	Exemptions used or, (to whom referred) (Identify statute if (b)(3) cited)
			Actual	Released		
49	4/5/58	N.Y. MIRROR	1	1		
50	4/5/58	N.Y. Herald Tribune	2	2		
51	4/5/58	N.Y. TIMES	2	2		
52	4/5/58	N.Y. World Telegram	1	1		
53	4/16/58	N.Y. World Telegram & Sun	1	1		
54	4/16/58	N.Y. Times	1	1		
55	4/14/58	N.Y. Daily News	1	1		
56	4/14/58	N.Y. Post	1	1		
57	4/14/58	N.Y. Herald Tribune	1	1		
58	4/14/58	N.Y. Post	1	1		
59	4/12/58	N.Y. Post	2	2		
60	4/12/58	N.Y. Herald Tribune	1	1		

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Serial	Date	Description (Type of communication, to, from)	No. of Pages		*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
61	4/7/58	N.Y. World Telegram	1	1		
62	4/8/58	N.Y. Times	1	1		
63	4/9/58	N.Y. Journal American	1	1		
64	4/9/58	N.Y. Times	1	1		
65	4/9/58	N.Y. Daily News	1	1		
66	4/20/58	N.Y. Times	1	1		
67	4/20/58	N.Y. Times	1	1		
68	4/20/58	N.Y. Post	1	1		
69	4/21/58	N.Y. Post	1	1		
70	4/21/58	N.Y. Herald Tribune	1	1		
71	4/21/58	N.Y. Times	1	1		
72	4/22/58	N.Y. Post	1	1		

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			Actual	Released		
73	4/22/58	N.Y. World Telegram Sun	1	1		
74	4/25/58	N.Y. Post	1	1		
75	4/25/58	Chicago Maroon	1	1		
76	5/19/58	N.Y. Mirror	1	1		
77	3/59	N.Y. Vanguard	1	1		
78	4/25/59	N.Y. Villager	2	2		
79	9/1/59	N.Y. Journal American	2	2		
80	9/29/59	N.Y. World Telegram	1	1		
81	9/29/59	N.Y. World Telegram	1	1		
82	9/30/59	N.Y. Herald Tribune	1	1		
83	9/30/59	N.Y. Mirror	2	2		
84	9/30/59	N.Y. Daily News	1	1		

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Serial	Date	Description (Type of communication, to, from)	No. of Pages		*	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released		
97	7/22/60	N.Y. News	1	1		
98	7/22/60	N.Y. Times	1	1		
99	7/22/60	N.Y. Times	1	1		
100	7/22/60	N.Y. Post	1	1		
			131	131		

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U. S. Department of Justice

(MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS FILE)

FEDERAL BUREAU

of

INVESTIGATION

Bureau File Number 100-387835

See also Nos.

- NPC - Sub A - General*
- NPC - Sub B - Daily Worker Worker*
- NPC - Sub C - National Guardian*
- NPC - Sub D - Morning Freiheit*
- Sub E - Propaganda Summary*
- Sub F - NY Signatures*
- Green Sheet by White*
- Sub G - Miscellaneous Clippings*
- (7 of 7)*

100-387835-100
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Court Rejects Freedom Plea By Atom Spy

Sobell's Kidnaping, Perjury Charges Ruled Baseless

A motion to free or grant a new trial to atom spy Morton Sobell, now serving 30 years at Alcatraz for a wartime espionage conspiracy, was denied today Federal Judge Irving R. Kaufman.

Sobell, convicted in the same case in which Julius and Ethel Rosenberg were executed, had assailed the federal government for the manner in which he had been arrested and prosecuted.

Charges Kidnaping.

The spy charged the FBI kidnaped him in Mexico and returned him here where the government had used perjured testimony to convict him.

In his 48-page opinion Judge Kaufman blasted Sobell's petition as "utterly meritless" and "a gross misuse of the judicial processes."

"I find it hard to believe that if he was seized and black-jacked . . . that he would not have immediately shouted out this injustice to the world instead of holding back . . . as a sort of trump card," the jurist wrote.

Branded Baseless.

Judge Kaufman, before whom Sobell's trial was conducted, branded the convicted conspirator's allegations "baseless" and charged they were re-

Continued on Page 12.

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N. Y. *World Telegram*

DATED 6/20/56
FORWARDED BY N. Y. DIVISION

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pealed not primarily "to aid the petitioner (Sobell) but rather to embarrass and injure our courts and country."

"It is hard to find a case in the history of American jurisprudence, or indeed in the judicial annals of any other country, where the defendants' convictions and contentions have received the attention of so many judges at so many levels of a judicial system, as well as that of the President of the United States on applications for executive clemency," Judge Kaufman said.

'Twice-Told Tale.'

Sobell's argument about jurisdiction was "but a twice-told tale in new semantic guise," Judge Kaufman wrote. "He (Sobell) seems to believe that by the mere device of changing attorneys and re-labeling his claims he may return to the court time and again with the same basic argument . . . the contention is so devoid of legal basis as to make its presentation tantamount to an abuse of process."

The jurist said that during his deliberations on the application, as in other phases of the Sobell case, "there have been many attempts to bring extrajudicial utterances and actions to my attention." Many of these were "designed to influence judicial determination in a way that is alien to our judicial process . . . and in some instances constitute a subtle attack on it."

'Slaps at Lawyers.'

In his opinion Judge Kaufman dealt minutely with Sobell's arguments that the court lacked jurisdiction because of his alleged kidnaping. Clearly this allegation would have been rejected "as completely fallacious" if it had been raised at the original trial. And that was "undoubtedly the reason his adroit lawyers refrained from making this motion among their numerous other applications," the court found.

In dealing with the convicted atom spy's charge that he had been denied due process of law, Judge Kaufman commented on the testimony as to Sobell's part in the conspiracy and an attempt by him to get a friend to reveal "secret information concerning the national defense."

This testimony, given by one Max Elitcher, Sobell's close friend, "was totally damning and convincing to the jury."

'Proven Plotter.'

"The defendant was clearly proven to be an arch conspirator with the Rosenbergs in their plan to commit espionage against the United States by *attacking* in our deepest military secrets—a crime of the highest magnitude," the jurist said.

On March 29, 1951, when Sobell was convicted by a jury of 11 men and one woman for "conspiring to commit espionage by transmitting to the Soviet Union, intended for its benefit, "documents, writings, sketches, notes and information relating to the national defense," the defendant's lawyers thanked the court for the consideration they had received, Judge Kaufman said.

Judge Kaufman said that So-



United Press Photo.

MORTON SOBELL



JUDGE IRVING KAUFMAN

bell had been represented by "two extremely able attorneys and the able lawyers of his co-defendants, Julius and Ethel Rosenberg, who skillfully, but vainly tried to stem the avalanche of evidence against them.

Cites Fair Trial.

The trial was held in a manner which "impelled the defense attorneys to compliment the court for its fairness and courtesies on three separate occasions, and to state that the trial had been conducted "with that dignity and decorum that befits an American trial."

Now five years later, Morton Sobell has petitioned . . . to set aside this verdict . . . alleging that his constitutional rights have been violated and the court had no jurisdiction," Judge Kaufman said.

"Even if every one of the contentions now raised was to be sustained, it would not follow that he is innocent," Judge Kaufman said.

The Sobell Case

It is the right of any person in this country to appeal from the decision of any court, except the Supreme Court of the United States, which has the function of bringing such appeals to a finality. Morton Sobell was sentenced to 30 years imprisonment in connection with the espionage activities of Julius and Ethel Rosenberg. Morton Sobell has had his day in court and was given every process of the law granted by the Constitution. His lawyers have reopened the case. An international propaganda has been conducted, not only against the decision of the court but against the United States and all its institutions.

Earl Bertrand Russell, the British mathematician, has with suddenness declared himself to be a student of American courts and has found them wanting in the Morton Sobell and the Rosenberg cases. Russell has issued a proclamation of Sobell's innocence about which he can know nothing, he not having any facilities to investigate or any experience in the field.

Also Jean Paul Sartre, French playwright, has entered into this judicial situation, guaranteeing the world of Sobell's innocence and suggesting that nobody could have stolen the atom bomb because the Russians had it anyhow.

The evidence is complete, however, that the atom bomb was stolen and that the Rosenberg ring, of which Morton Sobell as well as Dr. Klaus Fuchs was a member, did it.

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Can't Influence Judges

It is high time that Americans expressed their resentment at the interference with our courts by these irresponsible aliens whose opinions cannot influence our judges unless they come here, testify under oath as witnesses and submit to examination and cross-examination. While they may believe that they enjoy international reputations in their special fields and that their names count for something—in the United States they do not count.

Judge Irving Kaufman, in his opinion rejecting the appeal of Morton Sobell's lawyers, said:

"During the course of my deliberations on this matter as on other matters involved in this case from its inception, there have been many attempts to present extra-judicial utterances and actions to my attention. Many of these have been designed to influence judicial determination in a way that is alien to our judicial process—and in some instances they constitute a subtle attack upon it. Freedom of speech should and does permit untrammelled discussion and differences of opinion, but judicial impartiality requires that the courts be free from extraneous and conflicting pressures. Therefore, the American judicial system has evolved its own safeguards and procedures for arriving at the truth—procedures which have withstood the test of the centuries. These procedures and safeguards have been the sole guidepost for this court."

Judge's Findings

Sobell's lawyers attempted to vilify the FBI. Judge Kaufman says of this:

"...I find it difficult to believe a man who was seized and blackjacked, as he claims, would not have immediately shouted out this injustice to the world and would have held silent for six months prior to his trial and then throughout the trial, holding back his story as a trump card. Experience dictates that human beings do not react that way."

We shall have the Morton Sobell case with us for many years, as long as he is in prison. The Communists will continue to raise funds for the defense of Sobell, which is their right if they use such funds only for this purpose. This should be investigated.

Sobell Loses Another Plea For New Trial

By WILFRED ALEXANDER

Atom spy Morton Sobell, convicted in 1951 as a co-conspirator in the wartime spy plot that sent Julius and Ethel Rosenberg to the electric chair, lost another appeal Wednesday to escape from Alcatraz, where he is serving 30 years.

Federal Judge Irving R. Kaufman denied a motion seeking freedom or a new trial for Sobell, 38, former radar expert at the Navy Ordnance Bureau in Washington, who stood trial alongside the Rosenbergs but was found guilty of lesser implication in the peddling of U. S. atomic secrets to Russia.

JUDGE KAUFMAN said Sobell's petition was "entirely devoid of merit" and expressed concern that "perhaps it has been unduly dignified by the minute consideration and analysis" in his 48-page opinion.

Sobell, who previously had lost six appeals to the U. S. Supreme Court; six to the U. S. Court of Appeals and was denied executive clemency, based his latest action on claims that (1) evidence in his favor was suppressed at his trial, (2) the government used perjured testimony against him, and (3) he was "abducted" from Mexico for his trial here.

U. S. Attorney Williams had replied that the first two charges were for "gullible people here and abroad."

Kaufman, concerning the "abduction" charge, said he found it "hard to believe that if he (Sobell) was seized and blackjacked, as he claims, he would not have immediately shouted out this injustice to the world instead of holding back his story as a sort of 'top card.'"

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NEWSPAPER ARCHIVE SECTION

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Sobell Loses Appeal; Kaufman Raps Plea

By NEAL PATTERSON

Morton Sobell's appeal from conviction as a co-conspirator of executed atom spies Julius and Ethel Rosenberg yesterday was adjudged "entirely devoid of merit" and loaded with baseless accusations intended to "embarrass and injure our courts and country."

Federal Judge Irving M. Kaufman so held in denying the 38-year-old radar specialist's plea for freedom or a new trial. Sobell is serving 30 years at Alcatraz.

Kaufman pointed out that the Sobell case already had been six times before the U. S. Court of Appeals and six times before the Supreme Court, always with the conviction undisturbed. He handed down a 48-page opinion to "lay with finality baseless contentions and accusations" by Sobell and his partisans.

The judge rejected Sobell's post-trial contentions that the government knowingly used perjured testimony against him and that it had "abducted" him from Mexico to stand trial with the Rosenbergs. Of the latter, Judge Kaufman said:

"I find it difficult to believe that a man who was seized and blackjacked, as he claims, would not have immediately shouted out this injustice to the world and would have held silent for six months prior to his trial and then throughout the trial."

Calls It Propaganda

U. S. Attorney Paul Williams, denying Sobell's allegations said:

"His contentions were obviously designed not for legal consideration but to fill the propaganda mills of those who had reflected a vile, scurrilous and abusive attack on American justice ever since the conviction of the spies for the Soviet Union."



Morton Sobell

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N. Y. *News*

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Atom Spy in Alcatraz

Judge Hits 'Pressure,' Denies Sobell Appeal

Judge Kaufman's decision—
Page 8.

By Milton Lewis

Federal Judge Irving R. Kaufman took judicial notice yesterday of attempts to "pressure" him as he refused to set aside the conviction of Morton Sobell, now serving thirty years in Alcatraz as an atomic spy for Russia.

"During the course of my deliberations on this matter, as on other matters involved in this case from its inception, there have been many attempts to bring extra-judicial utterances and actions to my attention," the judge noted in a forty-eight-page exhaustive decision denying Sobell's petition.

"Many of these have been designed to influence judicial determination in a way that is alien to our judicial process—and in some instances they constituted a subtle attack upon it. Freedom of speech should and

does permit untrammelled discussion and difference of opinion, but judicial impartiality requires that the courts be free from extraneous and conflicting pressures."

Judge Kaufman mentioned no names or incidents.

The prisoner's wife, Mrs. Helen Sobell, called the decision "a gross miscarriage of justice." In a statement issued after the judge delivered his opinion, Mrs. Sobell said "We will continue our attempts to secure justice and a full and fair hearing as provided for by our courts by appealing this decision to the highest courts of our land if need be."

Sobell, now thirty-seven, was an electronics and radar expert. He was convicted with Julius and Ethel Rosenberg in 1951 of conspiring to commit espionage for Russia during World War II. They were tried by a jury of
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eleven men and one woman in the United States District Court before Judge Kaufman, whose handling of the case was praised by all defense counsel. The Rosenbergs were sentenced to death. They were executed June 19, 1953—three years and two days ago.

Judge Kaufman acted yesterday on a Sobell petition to free him or at least grant him a new trial.

The Red spy maintained that his constitutional rights had been violated and that Judge Kaufman had no jurisdiction in the case.

He argued that he was "kidnaped" from Mexico by Mexican secret police "acting under the orders of the F. B. I." and forcibly and illegally returned to the United States.

He also alleged the government sanctioned perjured testimony, suppressed evidence and made misrepresentations to the court.

Appeals Ruling Recalled

"This petition," Judge Kaufman held, "is so entirely devoid of merit that perhaps it has been unduly dignified by the minute consideration and analysis it has received in this opinion.

"However, an effort has been made to lay to rest with finality baseless contentions and accusations which have been repeated not primarily to aid the petitioner but rather to embarrass and injure our courts and country."

Judge Kaufman recalled that the entire question of the effect of the alleged kidnaping upon the legality of the trial was raised by the defense five days after it ended, and the United States Court of Appeals rejected the contention.

A Twice Told Tale

"It is clear," Judge Kaufman wrote, "that petitioner's present argument re jurisdiction is but a twice-told tale in new semantic guise. He seems to believe that by the mere device of changing attorneys and relabeling his claims, he may return to court time after time with the same basic argument.

"The petitioner speaks of justice, 'but justice though due to the accused, is due to the accuser also,' and it is due also to the court which in its role of defender of justice must conscientiously wade through the voluminous briefs, affidavits and cited materials seeking merit in a contention so devoid in legal basis as to make its presentation tantamount to an abuse of process."

A Unique Case

At another point, Judge Kaufman observed:

"It is difficult to find a case in the history of American jurisprudence, or indeed in the judicial annals of any other country, where the defendants' convictions and contentions have received the attention of so many judges at so many levels of a judicial system, as well as that of the President of the United States on applications for executive clemency.

"Not a single legal recourse has been or will be denied to Sobell."

Judge Kaufman's

Decision in Sobell Case

Following are the essential points in yesterday's decision by Judge Irving R. Kaufman refusing to set aside the conviction and sentence of Morton Sobell as an atomic spy for Soviet Russia:

Former Judicial Proceedings in This Case

The convictions of Sobell and his co-defendants were affirmed by the Court of Appeals for the Second Circuit in a detailed opinion which contained the following language:

"Since two of the defendants must be put to death if the judgment stands, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal."

Thereafter, defendants filed a petition for a writ of certiorari to the United States Supreme Court, and this was denied. In the following two years, Sobell participated in two motions brought under Section 2255 of the Judicial Code, each seeking to vacate the judgment on constitutional grounds; both motions were found to be without merit and were denied in the District Court. The denials were affirmed on appeal by the Court of Appeals and a petition for a writ of certiorari filed after the first motion, was denied by the Supreme Court. After almost every one of the above decisions, petitions for rehearing were also considered and denied. In addition, nu-

merous applications for relief were made by the Rosenbergs (Julius and Ethel), and although Sobell did not join in them it is worth noting that none of the attacks on the judgment was sustained.

Case Reviewed Six Times

This, then, is the background against which petitioner makes his present allegations and accusations of infringement of his constitutional rights. The record shows that in one form or another the case was before the United States Court of Appeals six times, always concluding with an affirmance, and before the United States Supreme Court six times on applications of one sort or another, always ending with the conviction remaining undisturbed, and this tally does not include the numerous proceedings at the District Court level and the various applications to other judges of the District Court.

Sobell's Present Contentions

The basic factual allegations set forth in Sobell's moving papers are not new to this Court. Indeed, they were first raised five days after the verdict on a motion in arrest of judgment. The denial of that motion was specifically affirmed on Sobell's initial appeal to the Court of Appeals, and it was set forth as one of the grounds supporting his prayer for reversal in the defendant's first petition for certiorari to the Supreme Court, which was denied. He argues, however, that although certain of these allegations have been made before, the legal consequences now urged as stemming from them have not been previously considered.

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Henderson

Case Painstakingly Studied

Despite the lack of novelty in petitioner's present assertions, and despite the numerous hearings he has been accorded, the Court has again painstakingly re-examined the record in the light of his instant allegations. Such is the way in which a democratic society administers justice — carefully, meticulously, and even repetitiously—lest an error go undetected. Under our judicial system we impose a strong check upon the manner in which a prosecution may be conducted.

It is difficult to find a case in the history of American jurisprudence, or indeed in the judicial annals of any other country, where the defendant's convictions and contentions have received the attention of so many judges at so many levels of a judicial system, as well as that of the President of the United States on applications for executive clemency. Not a single legal recourse has been or will be denied to Sobell.

Kidnap Claim Cited

In his present petition, Sobell avers that he was kidnapped from Mexico by agents of the Mexican Secret Police who were acting under the orders of the F. B. I., and that he was thus forcibly and illegally returned to the United States against his will. He does not assert, how-



Judge Kaufman

ever, that this alleged abduction deprived this court of any jurisdiction over his person. On the contrary, he not only concedes that he waived any such claim (assuming he would have had one) but he also asserts that he would have returned willingly to stand trial.

The first argument he now makes concerning this so-called abduction is that it denied him the opportunity to return to the United States willingly, and that it was staged for the sole purpose of permitting the prosecution to represent to the jury that Sobell was a fugitive from justice. He asserts that when the government introduced evidence to show that he had been "deported" from Mexico, this was subornation of perjury on the part of the prosecutors, as they then well knew that Sobell had not been deported in accordance with established Mexican procedures. He alleges further that the government deliberately suppressed evidence relating to this abduction and made misrepresentations to the Court about it—and that any one of these alleged improprieties, if established, would show a deprivation of petitioner's constitutional rights.

Treaty Violation Alleged

His second attack, set forth in a separate motion under Section 2255, is that this alleged kidnapping violated a treaty between the United States and Mexico. He argues that since this extradition treaty is the law of the land, its violation deprived the courts of this country of jurisdiction over the subject matter of this offense. Since unlike jurisdiction over the person, lack of jurisdiction over the subject matter cannot be waived by a defendant, Sobell claims that this defect vitiated the entire trial, and that his conviction is a nullity.

Conclusion

My consideration of the contentions urged in petitioner's second motion leads me to the conclusion that they are as utterly lacking in merit as are his contentions regarding the Court's lack of jurisdiction.

This position is so entirely devoid of merit that perhaps it has been unduly dignified by the minute consideration and analysis it has received in this opinion. However, an effort has been made to lay to rest with finality baseless contentions and accusations which have been repeated not primarily to aid the petitioner but rather to embarrass and injure our courts and country.

The ancient writ of *habeas corpus*—to which Section 2255 is analogous—is one of the basic safeguards of America's freedom. Its purpose is to ensure that no man may be held in confinement in violation of due process of law, and it imposes a strict duty upon all officials connected with the government—state, local or national. But there is an equal duty imposed upon attorneys whose obligation it is to uphold the law, and the dignity and integrity of the courts. It is their duty as officers of the court to ensure that this

great writ shall not be stripped of its deep meaning through a corrosive process caused by repeated abuses of its process.

Petition Called Meritless

Four lawyers argued the motions for Sobell, California counsel among them, and petitioner also had the services of an expert on Mexican law. Two legal memoranda submitted which ran to over one hundred pages, and the numerous lengthy affidavits and exhibits indicate that an inordinate amount of time, money, effort and ingenuity was put into this motion on petitioner's behalf. If Sobell were an unlettered prisoner, friendless and without funds, attempting to cry out "unfair," his lengthy and utterly meritless petition might not be considered a gross misuse of the judicial processes.

Under the governing rules of law, Sobell has been given the benefit of any doubt. For this reason all his allegations concerning the alleged brutality and illegality of his abduction were assumed to be true for the purposes of these applications. Therefore, I have not considered in this opinion the question of his veracity. But I find it difficult to believe that a man, who was seized and blackjacked, as he claims, would not have immediately shouted out this injustice to the world and would have held silent for six months prior to his trial and, throughout the trial, holding back his story as a sort of trump card. Experience dictates that human beings do not react in this way.

The ease with which the petitioner tars all associated with the prosecution in the face of a clear record which proves the contrary is truly startling. As was recently said of another prisoner who engaged the courts endlessly with meritless petitions, "He is smart, shrewd and resourceful." Thus he knows how to make charges so wild as to induce a concern for their refutation that otherwise he would not command...

Maligning of Prosecutors

From petitioner's unfounded attacks against the men who conducted the prosecution of his case, it is obvious that he believes in the broadside attack, painting with broad stroke and recklessly maligning all who participated in the process of bringing him to justice.

In this connection, it is interesting to note that the petitioner brands the F. B. I. as an agency of oppression,

ignoring its reputation for high standards of fairness. These high standards were recently praised by the Court of Appeals for this Circuit in an opinion by Judge (Jerome N.) Frank, who is well known for his outspoken attacks on any form of police brutality....

Pressures on Court

During the course of my deliberations on this matter, as on other matters involved in this case from its inception, there have been many attempts to bring extra-judicial utterances and actions to my attention. Many of these have been designed to influence judicial determination in a way that is alien to our judicial process—and in some instances they constituted a subtle attack upon it. Freedom of speech should and should permit untrammelled expression and differences of opinion, but judicial impartiality requires that the courts be free from extraneous and conflicting pressures. Therefore, the American judicial system has evolved its own safeguards and procedures which have withstood the test of the centuries. These procedures and safeguards have been the sole guideposts for this Court.

The motions and the files and records of this case show conclusively that the prisoner is entitled to no relief. Motions denied.
Irving R. Kaufman.
U. S. D. J.

Atom Spy in Alcatraz

Judge Hits 'Pressure,' Denies Sobell Appeal

Judge Kaufman's decision—
Page 8.

By Milton Lewis

Federal Judge Irving R. Kaufman took judicial notice yesterday of attempts to "pressure" him as he refused to set aside the conviction of Morton Sobell, now serving thirty years in Alcatraz as an atomic spy for Russia.

"During the course of my deliberations on this matter, as on other matters involved in this case from its inception, there have been many attempts to bring extra-judicial utterances and actions to my attention," the judge noted in a forty-eight-page exhaustive decision denying Sobell's petition.

"Many of these have been designed to influence judicial determination in a way that is alien to our judicial process—and in some instances they constituted a subtle attack upon it. Freedom of speech should and

does permit untrammelled discussion and difference of opinion, but judicial impartiality requires that the courts be free from extraneous and conflicting pressures."

Judge Kaufman mentioned no names or incidents.

The prisoner's wife, Mrs. Helen Sobell, called the decision "a gross miscarriage of justice."

In a statement issued after the judge delivered his opinion, Mrs. Sobell said "We will continue our attempts to secure justice and a full and fair hearing as provided for by our courts by appealing this decision to the highest courts of our land if need be."

Sobell, now thirty-seven, was an electronics and radar expert. He was convicted with Julius and Ethel Rosenberg in 1951 of conspiring to commit espionage for Russia during World War II. They were tried by a jury of
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eleven men and one woman in United States District Court before Judge Kaufman, whose handling of the case was praised by all defense counsel. The Rosenbergs were sentenced to death. They were executed June 19, 1953—three years and two days ago.

Judge Kaufman acted yesterday on a Sobell petition to free him or at least grant him a new trial.

The Red spy maintained that his constitutional rights had been violated and that Judge Kaufman had no jurisdiction in the case.

He argued that he was "kidnaped" from Mexico by Mexican secret police "acting under the orders of the F. B. I." and forcibly and illegally returned to the United States.

He also alleged the government sanctioned perjured testimony, suppressed evidence and made misrepresentations to the court.

Appeals Ruling Recalled

"This petition," Judge Kaufman held, "is so entirely devoid of merit that perhaps it has been unduly dignified by the minute consideration and analysis it has received in this opinion.

"However, an effort has been made to lay to rest with finality baseless contentions and accusations which have been repeated not primarily to aid the petitioner but rather to embarrass and injure our courts and country."

Judge Kaufman recalled that the entire question of the effect of the alleged kidnaping upon the locality of the trial was raised by the defense five days after it ended, and the United States Court of Appeals rejected the contention.

"A Twice Told Tale"

"It is clear," Judge Kaufman wrote, "that petitioner's present argument re jurisdiction is but a twice-told tale in new semantic guise. He seems to believe that by the mere device of changing attorneys and relabeling his claims, he may return to court time after time with the same basic argument.

"The petitioner speaks of justice, but justice though due to the accused, is due to the accuser also, and it is due also to the court which in its role of defender of justice must conscientiously wade through the voluminous briefs, affidavits and cited materials seeking merit in a contention so devoid in legal basis as to make its presentation tantamount to an abuse of process."

A Unique Case

At another point, Judge Kaufman observed:

"It is difficult to find a case in the history of American jurisprudence, or indeed in the judicial annals of any other country, where the defendants' convictions and contentions have received the attention of so many judges at so many levels of a judicial system, as well as that of the President of the United States on application for executive clemency.

"Not a single legal recourse has been or will be denied to Sobell."

Sobell Loses Appeal; Kaufman Raps Plea

By NEAL PATTERSON

Morton Sobell's appeal from conviction as a co-conspirator of executed atom spies Julius and Ethel Rosenberg yesterday was adjudged "entirely devoid of merit" and loaded with baseless accusations intended to "embarrass and injure our courts and country."

Federal Judge Irving M. Kaufman so held in denying the 38-year-old radar specialist's plea for freedom or a new trial. Sobell is serving 30 years at Alcatraz.



Morton Sobell

Kaufman pointed out that the Sobell case already had been six times before the U.S. Court of Appeals and six times before the Supreme Court, always with the conviction undisturbed. He handed down a 48-page opinion to "lay with finality baseless contentions and accusations" by Sobell and his partisans.

The judge rejected Sobell's post-trial contentions that the government knowingly used perjured testimony against him and that it had "abducted" him from Mexico to stand trial with the Rosenbergs. Of the latter, Judge Kaufman said:

"I find it difficult to believe that a man who was seized and blackjacked, as he claims, would not have immediately shouted out this injustice to the world and would have held silent for six months prior to his trial and then throughout the trial."

• Calls It Propaganda

U. S. Attorney Paul Williams, denying Sobell's allegations said:

"His contentions were obviously designed not for legal consideration but to fill the propaganda mills of those who had directed a vile, scurrilous and abusive attack on American justice ever since the conviction of these spies for the Soviet Union."

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The Sobell Case

It is the right of any person in this country to appeal from the decision of any court, except the Supreme Court of the United States, which has the function of bringing such appeals to a finality. Morton Sobell was sentenced to 30 years imprisonment in connection with the espionage activities of Julius and Ethel Rosenberg. Morton Sobell has had his day in court and was given every process of the law granted by the Constitution. His lawyers have reopened the case. **An international propaganda has been conducted, not only against the decision of the court but against the United States and all its institutions.**

Earl Bertrand Russell, the British mathematician, has with suddenness declared himself to be a student of American courts and has found them wanting in the Morton Sobell and the Rosenberg cases. Russell has issued a proclamation of Sobell's innocence about which he can know nothing, he not having any facilities to investigate or any experience in the field.

Also Jean Paul Sartre, French playwright, has entered into this judicial situation guaranteeing the world of Sobell's innocence and suggesting that nobody could have stolen the atom bomb because the Russians had it anyhow.

The evidence is complete, however, that the atom bomb was stolen and that the Rosenberg ring, of which Morton Sobell as well as Dr. Klaus Fuchs was a member, did it.

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Can't Influence Judges

It is high time that Americans expressed their resentment at the interference with our courts by these irresponsible aliens whose opinions cannot influence our judges unless they come here, testify under oath as witnesses and submit to examination and cross-examination. While they may believe that they enjoy international reputations in their special fields and that their names count for something—in the United States they do not count.

Judge Irving Kaufman, in his opinion rejecting the appeal of Morton Sobell's lawyers, said:

"During the course of my deliberations on this matter as on other matters involved in this case from its inception, there have been many attempts to present extra-judicial utterances and actions to my attention. Many of these have been designed to influence judicial determination in a way that is alien to our judicial process—and in some instances they constitute a subtle attack upon it. Freedom of speech should and does permit untrammelled discussion and differences of opinion, but judicial impartiality requires that the courts be free from extraneous and conflicting pressures. Therefore, the American judicial system has evolved its own safeguards and procedures for arriving at the truth—procedures which have withstood the test of the centuries. These procedures and safeguards have been the sole guidepost for this court."

Judge's Findings

Sobell's lawyers attempted to vilify the FBI. Judge Kaufman says of this:

"...I find it difficult to believe a man who was seized and blackjacked, as he claims, would not have immediately shouted out this injustice to the world and would have held silent for six months prior to his trial and then throughout the trial, holding back his story as a trump card. Experience dictates that human beings do not react that way."

We shall have the Morton Sobell case with us for many years, as long as he is in prison. The Communists will continue to raise funds for the defense of Sobell, which is their right if they use such funds only for this purpose. This should be investigated.

Sobell Loses Another Plea For New Trial

By WILFRED ALEXANDER

Atom spy Morton Sobell, convicted in 1951 as a co-conspirator in the wartime spy plot that sent Julius and Ethel Rosenberg to the electric chair, lost another appeal Wednesday to escape from Alcatraz, where he is serving 30 years.

Federal Judge Irving R. Kaufman denied a motion seeking freedom or a new trial for Sobell, 38, former radar expert at the Navy Ordnance Bureau in Washington, who stood trial alongside the Rosenbergs but was found guilty of lesser implication in the peddling of U. S. atomic secrets to Russia.

JUDGE KAUFMAN said Sobell's petition was "entirely devoid of merit" and expressed concern that "perhaps it has been unduly dignified by the minute consideration and analysis" in his 48-page opinion.

Sobell, who previously had lost six appeals to the U. S. Supreme Court, six to the U. S. Court of Appeals and was denied executive clemency, based his latest action on claims that (1) evidence in his favor was suppressed at his trial, (2) the government used perjured testimony against him, and (3) he was "abducted" from Mexico for his trial here.

U. S. Attorney Williams had replied that the first two charges were for "gullible people here and abroad."

Kaufman, concerning the "abduction" charge, said he found it "hard to believe that if he (Sobell) was seized and blackjacked, as he claims, he would not have immediately shouted out this injustice to the world instead of holding back his story as a sort of 'top card.'"

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Court Rejects Sobell Plea For Freedom in Spy Case

By EDWARD RANZAL

Morton Sobell's bid for freedom or a new trial was turned down yesterday by Federal Judge Irving R. Kaufman.

Sobell, serving thirty years in Alcatraz prison, was convicted in 1951 of conspiracy to commit wartime espionage. He was a co-defendant with Julius and Ethel Rosenberg. They were executed for their part in the conspiracy to transmit atomic secrets to the Soviet Union.

With apparent reference to the recent statements of Sobell's "innocence" by Bertrand Russell, British philosopher, and Jean-Paul Sartre, French writer, Judge Kaufman wrote in a forty-seven-page opinion:

"This petition is so entirely devoid of merit that perhaps it

Excerpts from judge's opinion will be found on Page 14.

has been unduly dignified by the minute consideration and analysis it has received in this opinion.

"However, an effort has been made to lay to rest with finality baseless contentions and accusations which have been repeated not primarily to aid Sobell but rather to embarrass and injure our courts and country."

Judge Kaufman found that the issues now raised by Sobell were not new and in most instances had been reviewed by the United States Court of Appeals.

In his motion Sobell contended that he had been kidnapped in Mexico by the Federal Bureau of Investigation and forcibly brought back to this country. He said that as a result the court

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had no jurisdiction over his person and that the action violated an extradition treaty between the United States and Mexico.

In addition, he said the prosecution had knowingly used false testimony and had concealed facts from the court. Judge Kaufman held that this was not true.

Judge Kaufman said Sobell's contentions related to procedural and constitutional issues and, "even if every one of the contentions now raised was to be sustained, it would not follow that he is innocent."

Sobell was a City College classmate of Rosenberg and Max Elichter, his principal accuser at the trial. Elichter testified that in the war he and Sobell worked for the Navy Bureau of Ordnance in Washington.

Sobell, Elichter said, recruited him into the Communist party, and tried to enlist him in the Rosenberg conspiracy to steal information for Russia.

After Rosenberg's arrest Sobell fled to Mexico with his wife and children. Referring to the supposed kidnapping, Judge Kaufman said: "I find it hard to believe that, if he was seized and blackjacked, as he claims, that he would not have immediately shouted out this injustice to the world instead of holding back his story as a sort of trump card."

The jury's verdict, Judge Kaufman asserted, clearly proved that Sobell was an arch conspirator with the Rosenbergs in their plan to commit espionage against the United States by trafficking in this country's deepest military secrets — "a crime of the highest magnitude."

Judge Kaufman's decision is appealable to the United States Court of Appeals. In argument on the petition Sobell was represented by Frank J. Donner, Ar-



The New York Times

Judge Irving R. Kaufman

thur Kinoy, Marshall Perlin, Benjamin Dreyfus and Luis Sanchez Ponton of Mexico.

Appearing for the Government were United States Attorney Paul W. Williams and Robert Kirlland and Maurice N. Nessen, assistant United States Attorneys.

Mrs. Sobell said that Judge Kaufman's refusal to grant a hearing for her husband was "a gross miscarriage of justice."

In a statement issued through the Committee to Secure Justice for Morton Sobell, she said that documentary proof was available that the prosecution in her husband's trial "knowingly, willfully and intentionally used perjured testimony."

She said further attempts would be made to get a "full and fair" hearing.

Excerpts From the Kaufman

Opinion on Sobell's Plea

Following are excerpts from the opinion of Federal District Judge Irving R. Kaufman yesterday, denying the motion of Morton Sobell to set aside his conviction for espionage:

The trial was held in a manner which impelled the defense attorneys to compliment the court for its fairness and courtesies on three separate occasions and to state that the trial had been conducted "with that dignity and that decorum that befits an American trial."

Now, five years later, Morton Sobell has petitioned this court pursuant to 28 U. S. C. Sec. 2255 to set aside this verdict and judgment, alleging that his constitutional rights have been violated and that the court was without jurisdiction to try him.

The contentions now raised by Sobell relate to procedural and constitutional issues which do not go into the question of his guilt or innocence. Even if every one of the contentions now raised by petitioner was to be sustained, it would not follow that he is innocent.

The record shows that in one form or another the case was before the United States Court of Appeals six times, always concluding with affirmance, and before the United States Supreme Court six times on application of one sort or another, always ending with the conviction remaining undisturbed, and this tally does not include the numerous proceedings at the district court level.

Sobell's Present Contentions

The basic factual allegations set forth in Sobell's moving papers are not new to this court. Indeed, they were first raised five days after the verdict on a motion in arrest of judgment.

It is difficult to find a case in the history of American jurisprudence, or indeed in the judicial annals of any other country, where the defendants' convictions and contentions have received the attention of so many judges at so many levels of a judicial system, as well as that of the President of the United States on applications for executive clemency. [Here the Court had reference also to the co-defendants, Ethel and Julius Rosenberg.]

In his present petition Sobell avers that he was kidnapped from Mexico by agents of the Mexican Secret Police who were acting under the orders of the Federal Bureau of Investigation and that he was thus forcibly and illegally returned to the United States against his will. He does not assert, however, that this alleged abduction deprived this court of any jurisdiction over his person. On the contrary, he not only concedes that he waived any such claim (assuming he would have had one) but he also asserts that he would have returned willingly to stand trial.

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He (Sobell) asserts that when the Government introduced evidence to show that he was "deported" from Mexico, this was subornation of perjury on the part of the prosecutors . . . He alleges further that the Government deliberately suppressed evidence relating to this abduction and made misrepresentations to the court about it—and that any one of these alleged improprieties, if established, would show a deprivation of petitioner's constitutional rights.

On Charge of Treaty Violation

His second attack, set forth in a separate motion under Section 2255, is that this alleged kidnapping violated a treaty between the United States and Mexico and "since this extradition treaty is the law of the land, its violation deprived the courts of this country of jurisdiction . . ."

Section 2255 of the Judicial Code permits a convicted prisoner to move to set aside the sentence if it was imposed in violation of the Constitution or laws of the United States, or if the sentencing court was without jurisdiction.

Sobell's counsel concede that there would have been no question of the court's power to try Sobell for the offenses charged had it not been for the manner of his apprehension. Thus, by counsel's own admission, the only lack of power was that over Sobell's person, and the rule is clear that in a criminal case a court has jurisdiction of the subject matter if it has jurisdiction of the crime charged.

It is clear that petitioner's present argument re jurisdiction is but a twice-told tale in new semantic guise. He seems to believe that by the mere device of changing attorneys and relabeling his claims, he may return to court time after time with the same basic argument.

The rule is that a seizure of a fugitive on foreign soil in violation of international law will not deprive the courts of the

offending state of jurisdiction over the person of the fugitive when he is brought before them.

In *In re Johnson*, 167 U. S. 120, 126 (1897) the court used the following language to explain its rationale:

"The law will not permit a person to be kidnapped or decoyed within the jurisdiction for the purpose of being compelled to answer to a mere private claim, but in criminal cases the interests of the public override that which is after all a mere privilege from arrest."

It is clear that Sobell's argument that this court lacked jurisdiction to try him because of his alleged abduction would have been rejected as completely fallacious even had it been timely raised, and this is undoubtedly the reason his adroit lawyers refrained from making this motion among their nu-

merous other applications for pre-trial relief.

[The court reviewed trial testimony adduced to show Sobell was preparing to flee illegally from Mexico for Europe.]

Actions Not Explained

Not once during the trial did the defense attempt to explain the strange actions of this man [Sobell] and thus eradicate the impression of flight and gut-consciousness thus created.

It is the petitioner's contention that [James S.] Huggins [an immigration inspector] perjured himself when he testified that Sobell had been deported. Petitioner urges that this was harmful as it erroneously gave the jury the impression that Sobell's expulsion had been ordered after Mexico had made a prior determination of his guilt via a legal deportation proceeding. This contention is clearly refuted.

the cold... which shows that... Huggins insists... his notation ["deported... Mexico" on the manifest card] was not based on official sources, but solely on his own observations of Sobell's summary ejection.

When Mr. [Irving] Saypol, the prosecutor, summed up, he nowhere stated—or even inferred—that Sobell had been legally deported, but stated instead that "the F. B. I. caught up with him and brought him back and you have him here." Patently, this does not show an attempt by the prosecution to create the impression of legal deportation, as is now charged. Manifestly, it was the prosecutor's intention to use Huggins' testimony to point up that Sobell's return to this country had been involuntary.

It is hornbook law that the prosecution cannot suppress evidence or facts if they are known to the defense, and, if it is true that Sobell was abducted, this fact was clearly and admittedly within the possession of Sobell and his counsel before the trial.

Time after time the courts have held that whenever knowledge was in the possession of defense counsel during trial of facts which either established the impropriety of certain evidence, or even cast doubts upon its admissibility, they are barred from raising this question on a motion to vacate judgment.

CONCLUSION

My consideration of the contentions urged in petitioner's second motion leads me to the conclusion that they are as utterly lacking in merit as are his contentions regarding the court's lack of jurisdiction.

This petition is so entirely devoid of merit that perhaps it has been unduly dignified by the minute consideration and analysis it has received in this opinion. However, an effort has been made to lay to rest with finality baseless contentions and accusations which have been repeated not primarily to aid the petitioner but rather to embarrass and injure our courts and country.

The ancient writ of habeas corpus—to which Section 2255 is analogous—is one of the basic safeguards of America's freedom. Its purpose is to ensure that no man may be held in confinement in violation of due process of law, and it imposes a strict duty upon all officials connected with the Government—state, local or national.

But there is an equal duty imposed upon attorneys, whose obligation it is to uphold the law, and the dignity and integrity of the courts. It is their duty as officers of the court to ensure that this great writ shall not be stripped of its deep meaning through a corrosive process caused by repeated abuses of its processes.

Four lawyers argued these motions for Sobell, California counsel among them, and petitioner also had the services of an expert on Mexican law. The two legal memoranda submitted, which ran to over one hundred pages, and the numerous

length affidavits... indicate that... amount of time, money, and in custody was put into motion on petitioner's behalf. If Sobell were an unlettered prisoner, friendless and without funds, attempting to cry out "unfair," his lengthy and utterly meritless petition might not be such a gross misuse of the judicial processes.

Under the governing rules of law, Sobell has been given the benefit of any doubt. For that reason all his allegations concerning the alleged brutality and illegality of his abduction were assumed to be true for the purposes of these applications. Therefore, I have not considered in this opinion the question of his veracity.

But I find it difficult to believe that a man who was seized and blackjacked, as he claims, would not have immediately shouted out this injustice to the world and would have held silent for six months prior to his trial and then throughout the trial, holding back his story as a sort of trump card. Experience dictates that human beings do not react that way.

The ease with which the petitioner tars all associated with the prosecution in the face of a clear record which proves the contrary is truly startling. As was recently said of another prisoner who engaged the courts endlessly with meritless petitions, "He is smart, shrewd and resourceful." Thus he knows how to make charges so wild * * * as to induce a concern for their refutation that otherwise he would not command." *United States v. Tramaglio*, Court of Appeals for the Second Circuit, June 4, 1956.

From petitioner's unfounded attacks against the men who conducted the prosecution of his case, it is obvious that he believes in the broadside attack, painting with broad stroke and recklessly maligning all who participated in the process of bringing him to justice.

During the course of my deliberations on this matter, as on other matters involved in this case from its inception, there have been many attempts to bring extra-judicial utterances and actions to my attention. Many of these have been designed to influence judicial determination in a way that is alien to our judicial process—and in some instances they constituted a subtle attack upon it.

Freedom of speech should and does permit untrammelled discussion and differences of opinion, but judicial impartiality requires that the courts be free from extraneous and conflicting pressures. Therefore, the American judicial system has evolved its own safeguards and procedures for arriving at the truth—procedures which have withstood the test of the centuries. These procedures and safeguards have been the sole guideposts for this court.

The motions and the files and records of this case show conclusively that the prisoner is entitled to no relief. Motions denied.

Judge Kaufman's

Decision in Sobell Case

Following are the essential points in yesterday's decision by Judge Irving R. Kaufman refusing to set aside the conviction and sentence of Morton Sobell as an atomic spy for Soviet Russia:

Former Judicial Proceedings in This Case

The convictions of Sobell and his co-defendants were affirmed by the Court of Appeals for the Second Circuit in a detailed opinion which contained the following language:

"Since two of the defendants must be put to death if the judgment stands, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal."

Thereafter, defendants filed a petition for a writ of certiorari to the United States Supreme Court, and this was denied. In the following two years, Sobell participated in two motions brought under Section 2255 of the Judicial Code, each seeking to vacate the judgment on Constitutional grounds; both motions were found to be without merit and were denied in the District Court. The denials

were affirmed on appeal by the Court of Appeals and a petition for a writ of certiorari filed after the first motion, was denied by the Supreme Court. After almost every one of the above decisions, petitions for rehearing were also considered and denied. In addition, numerous applications for relief were made by the Rosenbergs (Julius and Ethel), and although Sobell did not join in them it is worth noting that none of the attacks on the judgment was sustained.

Case Reviewed Six Times

This, then, is the background against which petitioner makes his present allegations and accusations of infringement of his constitutional rights. The record shows that in one form or another the case was before the United States Court of Appeals six times, always concluding with an affirmance, and before the United States Supreme Court six times on applications of one sort or another, always ending with the conviction remaining undisturbed, and this tally does not include the numerous proceedings at the District Court level and the various applications to other judges of the District Court.

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Sobell's Present Contentions

The basic factual allegations set forth in Sobell's moving papers are not new to this Court. Indeed, they were first raised five days after the verdict on a motion in arrest of judgment. The denial of that motion was specifically affirmed on Sobell's initial appeal to the Court of Appeals, and it was set forth as one of the grounds supporting his prayer for reversal in the defendant's first petition for certiorari to the Supreme Court, which was denied. He argues, however, that although certain of these allegations have been made before, the legal consequences now urged as stemming from them have not been previously considered.

Case Painstakingly Studied

Despite the lack of novelty in petitioner's present assertions, and despite the numerous hearings he has been accorded, the Court has again painstakingly re-examined the record in the light of his instant allegations. Such is the way in which a democratic society administers justice—carefully, meticulously, and even repetitiously—lest an error go undetected. Under our judicial system we impose a strong check upon the manner in which a prosecution may be conducted.

It is difficult to find a case in the history of American jurisprudence, or indeed in the judicial annals of any other country, where the defendant's convictions and contentions have received the attention of so many judges at so many levels of a judicial system, as well as that of the President of the United States on applications for executive clemency. Not a single legal recourse has been or will be denied to Sobell.

Kidnap Claim Cited

In his present petition, Sobell avers that he was kidnapped from Mexico by agents of the Mexican Secret Police who were acting under the orders of the P. E. I., and that he was thus forcibly and illegally returned to the United States against his will. He does not assert, how-



Judge Kaufman

ever, that this alleged abduction deprived this court of any jurisdiction over his person. On the contrary, he not only concedes that he waived any such claim (assuming he would have had one) but he also asserts that he would have returned willingly to stand trial.

The first argument he now makes concerning this so-called abduction is that it denied him the opportunity to return to the United States willingly, and that it was staged for the sole purpose of permitting the prosecution to represent to the jury that Sobell was a fugitive from justice. He asserts that when the government introduced evidence to show that he had been "deported" from Mexico, this was subornation of perjury on the part of the prosecutors, as they then well knew that Sobell had not been deported in accordance with established Mexican procedures. He alleges further that the government deliberately suppressed evidence relating to this abduction and made misrepresentations to the Court about it—and that any one of these alleged improprieties, if established, would show a deprivation of petitioner's constitutional rights.

Treaty Violation Alleged

This second attack, set forth in a separate motion under Section 2255, is that this alleged kidnapping violated a treaty between the United States and Mexico. He argues that since this extradition treaty is the law of the land, its violation deprived the courts of this country of jurisdiction over the subject matter of this offense. Since unlike jurisdiction over the person, lack of jurisdiction over the subject matter cannot be waived by a defendant, Sobell claims that this defect vitiated the entire trial, and that his conviction is a nullity.

Conclusion

My consideration of the contentions urged in petitioner's second motion leads me to the conclusion that they are as utterly lacking in merit as are his contentions regarding the Court's lack of jurisdiction.

This position is so entirely devoid of merit that perhaps it has been unduly dignified by the minute consideration and analysis it has received in this opinion. However, an effort has been made to lay to rest with finality baseless contentions and accusations which have been repeated not primarily to aid the petitioner but rather to embarrass and injure our courts and country.

The ancient writ of habeas corpus—to which Section 2255 is analogous—is one of the basic safeguards of America's freedom. Its purpose is to ensure that no man may be held in confinement in violation of due process of law, and it imposes a strict duty upon all officials connected with the government—state, local or national. But there is an equal duty imposed upon attorneys whose obligation it is to uphold the law, and the dignity and integrity of the courts. It is their duty as officers of the court to ensure that this

erent writ shall not be stripped of its deep meaning through a compressive process caused by repeated abuses of its processes.

Petition Called Meritless

Four lawyers argued these motions for Sobell, California counsel among them, and petitioner also had the services of an expert on Mexican law. The two legal memoranda submitted, which ran to over one hundred pages, and the numerous lengthy affidavits and exhibits indicate that an inordinate amount of time, money, effort and ingenuity was put into this motion on petitioner's behalf. If Sobell were an unlettered prisoner, friendless and without funds, attempting to cry out "unfair," his lengthy and utterly meritless petition might not be such a gross misuse of the judicial processes.

Under the governing rules of law, Sobell has been given the benefit of any doubt. For that reason all his allegations concerning the alleged brutality and illegality of his abduction were assumed to be true for the purposes of these applications. Therefore, I have not considered in this opinion the question of his veracity. But I find it difficult to believe that a man who was seized and blackjacked, as he claims, would not have immediately shouted out this injustice to the world and would have held silent for six months prior to his trial and then throughout the trial, holding back his story as a sort of trump card. Experience dictates that human beings do not react that way.

The ease with which the petitioner tars all associated with the prosecution in the face of a clear record which proves the contrary is truly startling. As was recently said of another prisoner who engaged the courts endlessly with meritless petitions, "He is smart, shrewd and resourceful." Thus he knows how to make charges so wild . . . as to induce a concern for their refutation that otherwise he would not command . . ."

Maligning of Prosecutors

From petitioner's unfounded attacks against the men who conducted the prosecution of his case, it is obvious that he believes in the broadside attack, painting with broad stroke and recklessly maligning all who participated in the process of bringing him to justice.

In this connection, it is interesting to note that the petitioner brands the P. B. I. as an agency of oppression,

ignoring its reputation for high standards of fairness. These high standards were recently praised by the Court of Appeals for this Circuit in an opinion by Judge (Jerome N.) Frank, who is well known for his outspoken attacks on any form of police brutality. . . .

Pressures on Court

During the course of my deliberations on this matter, as on other matters involved in this case from its inception, there have been many attempts to bring extra-judicial utterances and actions to my attention. Many of these have been designed to influence judicial determination in a way that is alien to our judicial process—and in some instances they constituted a subtle attack upon it. Freedom of speech should and does permit untrammelled discussion and differences of opinion, but judicial impartiality requires that the courts be free from extraneous and conflicting pressures. Therefore, the American judicial system has evolved its own safeguards and procedures for arriving at the truth—procedures which have withstood the test of the centuries. These procedures and safeguards have been the sole guideposts for this Court.

The motions and the files and records of this case show conclusively that the prisoner is entitled to no relief. Motions denied.

Irving R. Kaufman,
U. S. D. J.

Sobell: Motion Denied

Some intellectual circles abroad have long doubted the guilt of Julius and Ethel Rosenberg, the American couple executed for giving atomic secrets to Russia. They doubt also the guilt of Morton Sobell, who was convicted in 1951 as a co-conspirator and sentenced to thirty years in Alcatraz.

Thus Bertrand Russell, the British philosopher, said in a letter to the Manchester Guardian in April that Sobell was an "innocent man condemned as the result of political hysteria" in the United States. Two weeks ago Jean-Paul Sartre said in a letter to The New York Times that Mr. Sobell should be granted a new trial because "it is our opinion that there is no atomic secret" * * * science develops everywhere in the same rhythm * * * production of bombs is a matter of industrial potential."

Sobell himself petitioned for a new trial on the ground that he was kidnapped in Mexico by agents of the Mexican Secret Police acting under orders of the F. B. I. He contended, as did Lord Russell, that he was forcibly and illegally returned to the United States for trial.

Last week Mr. Sobell's petition was rejected by Federal District Judge Irving R. Kaufman in a forty-seven page opinion which reflected the international controversy over the case. Judge Kaufman said Mr. Sobell's petition was " * * * so entirely devoid of merit that perhaps it has been unduly dignified by the minute consideration and analysis it has received in this opinion." He noted that, although Mr. Sobell claimed that he was kidnapped he did not challenge the jurisdiction of the court over his person; that he even said he would have returned willingly to the United States.

"The motions and the files and records of this case show conclusively that the prisoner is entitled to no relief," said Judge Kaufman. "Motions denied."

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Readily

Grapeshot Fire

By INEZ ROBB.

Just so there will be no misunderstanding, I hereby mail my credo to the masthead: I do not believe that the United States Govern-



Inez Robb

ment is guilty of conspiring monstrously, ignobly and with terrible malice aforethought to lynch Julius and Ethel Rosenberg, executed atomic spies, and their co-defendant, Morton Sobell.

It is inconceivable that a conspiracy to destroy three obscure persons extended from an equally obscure immigration inspector through the FBI, the whole federal court system, including the Supreme Court, to the President.

Yet these are the grapeshot charges of the world-wide Communist-inspired attempt to blacken this nation through trumped-up efforts to turn the Rosenberg-Sobell trial into an American Dreyfus case.

A conspiracy exists, all right, but it is a Communist conspiracy to use this trial to damage America at home and abroad by allegations that the Rosenbergs and Sobell were railroaded.

The latest move was the bid of Sobell, now serving a 30-year sentence in Alcatraz for conspiracy to commit wartime espionage, for a new trial or freedom. The fact that the motions were denied by Judge Irving R. Kaufman, who presided at the trial, will only add fuel to the Communist fire.

The thesis of the Communist-supported Committee to Secure Justice for Morton Sobell is perfectly expressed in a letter I received 10 days ago from its press agent, which reads in part:

"There have been and will probably unfortunately continue to be prosecutors and men in positions of public responsibility who resort to dishonesty to advance their political fortunes at the expense of others. This is what we believe happened in the case of Mr. Sobell.

"The difficulty then becomes, once the conviction is obtained, that people in high places fear repercussions if an error is admitted and efforts are made to keep the truth from coming to light."

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In other words, the Rosenbergs and Sobell were victims from the start of the vilest and most reprehensible treachery by everyone in the U.S. government who even touched on the case. And now, these self-same persons to advance "their political fortunes" are continuing their conspiracy in enlightened self interest?

Any American who has travelled abroad recently knows what success this Communist conspiracy to stigmatize American justice has enjoyed, particularly among such anti-American elements as England's Lord Bertrand Russell and France's Existentialist boobah Jean-Paul Sartre.

Communist millions and influence have been poured into this case to make it a cause celebre with which to beat Uncle Sam. The party is concerned with the guilt or innocence of the Rosenbergs and Sobell only as a Communist device to attack the U.S. There is a conspiracy surrounding this trio, all right, but it is Communist and contemptible.

The Judge In the Case

By FULTON LEWIS JR.

WASHINGTON: Southern New York Federal District Judge Irving R. Kaufman merits the plaudits

of all Americans interested in preserving their nation against the insidious machinations of Communists and their apologists of the liberal-left.

In a carefully-prepared and thoroughly-documented 47-page opinion, he has shredded the world-wide Communist campaign to win freedom for Morton Sobell, now serving a 30-year sentence in Alcatraz prison for his conviction of conspiracy to commit wartime atomic espionage along with the since-executed Julius and Ethel Rosenberg.

Kaufman's opinion demonstrates the utter sham and hypocrisy of the free-Sobell campaign, the underlying purpose of which has been to discredit American justice in the eyes of world opinion.

Sobells' attorneys had filed a petition asking that his conviction be set aside on grounds he was kidnaped in Mexico City by Federal Bureau of Investigation agents and illegally returned to the United States.

Efforts of Communists to drum up support in this country have not achieved any particular success. Abroad, however, the hue has been taken up more widely, with the aid of such figures as British philosopher Bertrand Russell and French writer

Jean Paul Sartre, both of whom deride American justice and flatly assert Sobell's innocence. Left unanswered is the question of how they know so much more about the case than did the jury which convicted him, or the better than a score of judges who have refused to upset the conviction.

Never Reversed

Judge Kaufman notes that the Sobell case has been before the United States Court of Appeals six times, and before the Supreme Court on various petitions an equal number of times, "always remaining with the conviction undisturbed," to say nothing of "numerous proceedings at the District Court level."

One of the basic charges in the years-long campaign of international Communism in behalf of the Rosenbergs and Sobell is that their prosecution was a manifestation of anti-semitism. Judge Kaufman is proud of his Jewish heritage; he lists himself in "Who's Who" as a director of the Anti-Defamation League of B'nai B'rith, and recipient of an award on the Jewish War Veterans, and shows his wife's maiden name to have been the same as that of the executed spies—Rosenberg.

The secondary Red contention that the prosecutions were a reactionary conspiracy likewise is belied; Judge Kaufman is a life-long Democrat of "liberal" stuation, having served the early New Deal in several legal capacities and being a Truman appointee to the bench.

The nation's security would be in better shape if there were more federal judges of Judge Kaufman's stripe.

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Letters to The Times

Handling of Sobell Case

Guilt Declared Established. Fairness of Trial Emphasized

TO THE EDITOR OF THE NEW YORK TIMES:

In a letter published June 15 Jean-Paul Sartre urged the United States to release from prison Morton Sobell, an American found guilty in 1951 of spying for the Soviet Union. He spoke of "a conviction shared by many Frenchmen and Europeans—and I am told by many Americans—that Sobell is innocent" and stated "that it would be a grave injustice to have him continue to be penalized for a crime which he did not commit and for which proof has never been submitted."

M. Sartre's "facts" are erroneous, and his comments do not make sense.

The facts are that Sobell and his Communist co-conspirators did conspire to give secret military information to Russia:

In 1944 Sobell furnished military information to Julius Rosenberg for transmission to Russia.

From 1945 on Sobell continued to plot with Rosenberg to deliver defense secrets to Russia.

In 1946 Sobell attempted to obtain an Ordnance Pamphlet describing the Navy's newly developed fire-control system.

During this same period Sobell was employed by a Government contractor and was in charge of developing instruments connected with fire-control systems and radar. In this job he attempted to recruit young engineers to spy for the Soviet Union.

Sobell asked a Communist employé in the Navy Department to stay in his job on the ground that he was needed for espionage purposes.

In July of 1948 Sobell delivered to Julius Rosenberg a can of microfilm containing secret military information.

Logic Queried

M. Sartre's basic premise ran this way: Sobell was "innocent" of espionage because he and his co-conspirators, Julius and Ethel Rosenberg, gave to the Soviet Union se-

cret information which Soviet scientists either had discovered or were bound to discover without their help. By M. Sartre's logic one could not commit murder, because men must die anyway.

This type of logic is not worthy of a philosopher. Aristotle would have flunked any of his pupils for such reasoning.

M. Sartre spoke also of some sort of presumption at the trial that Sobell was guilty. M. Sartre could hardly have read the record. Judge Irving R. Kaufman, who presided at the trial, repeatedly told the jury that they were to presume Sobell innocent. He explained that it was up to the Government to prove its case beyond a reasonable doubt.

M. Sartre complained, too, that the prosecution said that Sobell was expelled from Mexico. It certainly was the position of the United States that Sobell had been expelled from Mexico. The United States called to the witness stand an immigration officer, who saw Sobell being ejected from Mexico. The plain fact is that Sobell did not voluntarily come back to stand trial.

No Violations

The Sartre letter also said flatly that there were violations of international agreements and treaties between the United States and Mexico. As Judge Kaufman in his opinion last week found, there were no violations of any agreement or treaty. Mexican officials voluntarily deported Sobell from Mexico. That was a sovereign act done by the police authorities of that nation—not by agents of the United States.

M. Sartre also stated that the United States caused "false statements to be made by witnesses deposing under oath." This statement is shocking from a person claiming to know something about scientific methods. M. Sartre has apparently

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accepted on faith statements of a
petition drafted for Sobell without
reading the trial record. There is
not a drop of the healthy skepti-
cism which one expects from a phi-
losopher or scientist—at least when
it comes to what Sobell says.

On the other hand, M. Sartre flat-
ly assumes that all the prosecution's
witnesses lied. If M. Sartre would
check the record, he would know
that he has been grossly duped. The
guilt of Sobell was established at
the trial by the sworn testimony of
witnesses, after days of cross-exam-
ination by two competent attorneys
for the defendant. His guilt was con-
firmed by ample evidence that he
fled to Mexico and there used sev-
eral aliases in an attempt to escape
to countries behind the Iron Curtain.

Standards of Justice

Finally, M. Sartre asked the
United States to confess error. He
asked the United States to follow
the lead of the Soviet Union and its
satellites, "which have under way
reviews of past trials." The com-
parison is odious.

Sobell had a trial which fully sat-
isfied the exacting standards of
American justice. Those standards
are not matched by any nation in
the world in their concern for the
accused. From the selection of a
jury right up to the several appli-
cations to the Supreme Court of the
United States, Sobell and his counsel
had the broadest opportunity to de-
fend against the charge of espio-
nage. Certainly, there is no need to
apologize for fairness.

The trial was open to the public.
There was no secret evidence
against Sobell submitted to the
judge or to the jury by the prose-
cution. The defendant was well rep-

resented by counsel of his own
choosing. And the jury—not the
judge—found him guilty as charged.
After the verdict counsel on be-
half of all the defendants thanked
the court and the jury for the fair
way in which the trial was con-
ducted.

Philosophers should be careful
not to substitute emotion and preju-
dice for true inquiry and objectivity.

PAUL W. WILLIAMS

United States Attorney for the
Southern District of New York
New York, June 22, 1956.

SOBELL ASKS NEW TRIAL

Espionage Conspirator Says
U. S. Used False Testimony

Morton Sobell, who is serving a thirty-year prison sentence for a conspiracy to commit espionage, yesterday asked the United States Court of Appeals for a new trial. He contended that the Government had knowingly used perjured testimony at his trial.

Sobell is appealing a decision by Federal Judge Irving R. Kaufman denying the prisoner his freedom or a new trial. In his opinion, Judge Kaufman characterized Sobell's petition as "utterly meritless" and "a gross misuse of the judicial processes."

Sobell was convicted with Julius and Ethel Rosenberg in 1951 of conspiracy to transmit atomic secrets to the Soviet Union. The Rosenbergs were executed in 1953.

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U. S. DEPARTMENT OF JUSTICE
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Morton Sobell

This is Morton Sobell's fifth year in a windowless, iron-barred cell at Alcatraz, the U.S. Department of Correction's most unpleasant penitentiary, the one it reserves for hardened incorrigibles. He has twenty-five more years to go, unless justice intervenes.

Sobell's sentence followed a trial which was not really focussed on his case at all. The Rosenbergs were on trial for disclosure of atomic information, which had nothing to do with the "conspiracy" charge against Sobell. The federal judiciary must have been suffering "bargain day" hysteria to have thrown in Sobell for good measure as it did. There is very little about him in the trial record. As Dr. Harold C. Urey, Nobel Prize winning scientist said after reading the record: "You cannot tell what he is even supposed to have done."

The evidence on which he was convicted was this and this alone: a man not particularly trustworthy

and not without something to gain by it personally said that he had "heard four conversations." This evidence was uncorroborated.

Early this month, the U.S. Court of Appeals listened to the appeal for Morton Sobell—that he be freed, that he be granted a new trial, or that there be a hearing into the new evidence.

At the very least, Sobell should be transferred from Alcatraz. He is no hardened incorrigible, and thinking people, hard put for any other adequate explanation of his incarceration there, must inevitably see it as a "third degree" tactic.—K.D.



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Sobell Loses Appeal; Laud Spy Case Judge

Morton Sobell, serving 30 years in Alcatraz for his role in the espionage plot that sent Julius and Ethel Rosenberg to the electric chair, lost a plea yesterday before the U. S. Court of Appeals to set aside his 1951 conviction.

A UNANIMOUS OPINION written by Judge Medina held that Federal Judge Irving R. Kaufman, the trial judge, had previously "properly denied" all the grounds mentioned by Sobell — alleged use of perjurious testimony against him, suppressed evidence and challenge of the government's right to try him.

"These prior proceedings and the procedural obstacles to any

possible favorable action on the new motions have been so fully set forth in the detailed discussion appearing in the well-reasoned and comprehensive opinion of Judge Kaufman that we think it not necessary to do more than note our approval of what he has written," the decision read.

Regarding the question of the U. S. government's power to prosecute, however, the court reiterated that there was nothing improper in seizure of Sobell in Mexico City by Mexican officials and his transportation to Laredo, Tex., where he was turned over to the FBI.

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Sobell Lawyers Try New Appeal

Washington, Sept. 9 (AP)—Attorneys for Morton Sobell, convicted atom spy, asked the Supreme Court today to look into the case again. Sobell is serving 30 years in Alcatraz. He was convicted in 1951 with Julius and Ethel Rosenberg, who were executed in 1953. Petitions filed today claimed Sobell was "kidnaped" and that the prosecution used false evidence to make him appear a fugitive.

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Alcatraz

Sobell Files Court Plea

WASHINGTON, Sept. 9 (AP).—Attorneys for Morton Sobell, convicted atom spy, asked the Supreme Court today to look into the case again.

Sobell is serving a thirty-year prison term in Alcatraz Federal Penitentiary in California. He was convicted in 1951 with Julius and Ethel Rosenberg, who were executed in 1953.

Petitions filed today claimed Sobell was "kidnaped" from Mexico City at the time of his arrest by the F. B. I. and that the prosecution used false evidence to make him appear a fugitive.

The lawyers also cited a recent Supreme Court decision which they said justified re-examination of the Rosenberg-Sobell trial.

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SOBELL IN 3D PLEA TO SUPREME COURT

Seeks Review of Conviction as Atomic Spy on Basis of 5th Amendment Case

By LUTHER A. HUSTON

Special to The New York Times.

WASHINGTON, Sept. 9 —

Morton Sobell, serving a thirty-year sentence for conspiracy to commit wartime espionage, made a new bid for freedom today.

His lawyers asked the Supreme Court to vacate its previous orders denying Sobell's appeals from lower court rulings and review the case. The court rejected two earlier petitions. It will consider the new appeal after it reconvenes in October.

Sobell's newest plea was based chiefly on a decision of the high court last May. That was in the case of Henry W. Grunewald, Daniel A. Bolich and Max Halperin, convicted of conspiracy to fix income tax cases.

One ground on which a new trial was ordered in that case was that the trial court permitted Halperin's plea of the Fifth Amendment privilege before a grand jury to be used as a basis for challenging the credibility of his testimony at the trial. The Fifth Amendment provides that no witness shall be required to give self-incriminating testimony in criminal proceedings against him.

Sobell was convicted of conspiring with Julius and Ethel Rosenberg to transmit atomic secrets to Soviet Russia. The Rosenbergs were executed for their part in the conspiracy.

The petition filed with the Supreme Court today asserted that if the Rosenbergs were still

alive they would be entitled to a ruling that they were unfairly tried, for the same reasons advanced on Sobell's behalf.

Sobell is beginning the eighth year of his term. He is presently confined in Alcatraz Penitentiary.

During the Rosenberg-Sobell trial, Mrs. Rosenberg was cross-examined on the fact that she had claimed the Fifth Amendment privilege in refusing to answer questions before a grand jury that she answered freely before the trial jury. Judge Irving R. Kaufman ruled that the cross-examination was permissible to impeach the credibility of Mrs. Rosenberg's testimony at the trial.

Sobell's attorneys said in their petition that "to elicit such testimony before the trial jury destroyed the protection afforded under the Fifth Amendment."

'Kidnapping Charged'

In addition to reliance on the Gruenwald-Bolich-Halperin decision, Sobell's lawyers asked the high court to review the case on the ground that he had been "kidnapped" in Mexico in violation of the existing treaty of extradition between that country and the United States. They contended that the "Federal Bureau of Investigation, at the direction of the prosecution, used its contacts in Mexico to devise a scheme to kidnap petitioner without the knowledge of the Mexican Government."

Judge Kaufman denied, and the Appeals Court affirmed, a defense motion to amend the record on appeal to include an official Mexican statement that Sobell had not been deported by the Government of that country.

The petitions in Sobell's behalf were filed by his counsel, Frank J. Donner, Arthur Kinoy and Marshall Perlman of New York and Benjamin Dreyfus of San Francisco. Luis Sanchez Ponton of the University of Mexico was listed as an associate counsel.

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Sobell Files Court Plea

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The lawyers also cited a recent Supreme Court decision which they said justified re-examination of the Rosenberg-Sobell trial.

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Sobell Lawyers Try New Appeal

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Standard

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Jack O'Brian's VIEWS
**Where There's
 Hope There's \$**

John Wingate opens his Ch.
 5 arms to Mrs. Morton Sobell
 this Friday night . . . She's the
 wife of the man doing 30 years
 in Alcatraz after his conviction
 with the Rosenbergs for con-
 spiracy to commit espionage
 against the U. S. . . . Mrs. So-
 bell (And don't confuse her hus-
 band with Jack Soble, who fin-
 ally helped the U. S.) is troup-
 ing the country under every pink,
 Red and lefty auspices defend-
 ing her husband, whose con-
 viction was affirmed clear up to
 the highest and final Supreme
 Court opinion . . .

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**Supreme Court Reconvenes;
Voids Hearings in 2 Red Cases**

**Constitutionality of Membership Clause
in Smith Act Left Open as Government
Cites Jenks Ruling on F.B.I. Files**

By LUTHER A. HUSTON
Special to The New York Times

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WASHINGTON, Oct. 7.—The Supreme Court reconvened today and removed from its calendar two of the most controversial cases on its docket.

These were the appeals of Junius Irving Scales and Claude Mack Lightfoot, Communist leaders, from their convictions under the Smith Act. Arguments were heard at the court's last term and reargument had been set for this term. This schedule was voided today, however, on the basis of a memorandum from J. Lee Rankin, the Solicitor General, advising that the convictions should be reversed.

Since the cases involved, among other issues, the constitutionality of the membership clause of the Smith Act and important aspects of the problem of individual rights as against the power of the Government to punish for subversive activities, the arguments had been keenly awaited.

The memorandum by Mr. Rankin was dated Sept. 24. It cited, in advising the reversals, the Supreme Court's ruling of June 3 in the Jencks case. It was on June 3 also that the court set the Scales and Lightfoot cases for reargument.

Basic of Jencks Decision

In the Jencks decision the Supreme Court ordered a new trial for Clinton E. Jencks, a New Mexico labor unionist, accused of filing a false non-Communist affidavit. The decision turned on the refusal of the Government to produce reports of Federal Bureau of Investigation agents. The court ruled that where such reports were made the subject of oral testimony by witnesses for the Government they must be disclosed to the defense.

The issue of the production of Government documents was raised in the Scales and Lightfoot appeals. Mr. Rankin said that, in the light of the Jencks decision, the two convictions must be reversed for further proceedings.

The basic constitutional question centers in Clause 1J of the Smith Act. This clause makes mere membership in an organization that advocates overthrow of the Government by force a crime. The question involved is whether the clause restricts rights of free speech and association guaranteed by the First Amendment to the Constitution.

In removing the Scales and Lightfoot cases from its cur-

rent hearing list the court did not say whether it would adopt Mr. Rankin's suggestion and reverse the conviction.

Opening Session is Brief

The opening session of the new term lasted only fifteen minutes and was entirely formal. Chief Justice Earl Warren led his colleagues to the high bench at noon. He was beginning his fifth year as the presiding officer of the tribunal.

Forty-nine lawyers were admitted to practice. Among them was Jerome Cooper, who was the first law clerk of Justice Hugo L. Black after his appointment by President Franklin D. Roosevelt in 1937.

Justice Black began his twentieth year on the court as Mrs. Black, his former secretary, to whom he was married Sept. 11, looked on.

Virginia asked today that pending the finding in a test in the state courts, there be delay on whether to review a ruling by a Federal District judge that the state's Pupil Placement Act is unconstitutional. The law provides for the closing of racially integrated schools.

Attorneys who said they represented 5,300 Americans asked today a review of the case of Morton Sobell. He has served eight years of a thirty-year term for conspiring to commit espionage. His fellow conspirators, Julius and Ethel Rosenberg, were executed in Sing Sing as the country's first convicted atomic spies.

Sobell has charged that he was convicted on fraudulent testimony and that his right to a fair trial was denied by the methods of the prosecution. Today's plea was in the form of an amicus curiae, or "friend of the court" brief. One of the signers was Dr. Harold C. Urey of Chicago, Nobel Prize winner, who participated in the development of the atomic bomb.

5,300 Support Sobell Appeal

Washington, Oct. 7 (AP).—A "friend of the court" brief urging the Supreme Court to review the case of Morton Sobell, imprisoned for atomic espionage, was given to the court clerk today.

The brief was prepared by attorneys who said they acted in behalf of some 5,300 persons, including atomic scientists Harold C. Urey. The brief was in support of the three petitions filed with the Supreme Court last month by Sobell's attorney, asking that it order a new trial for him.

Sobell was sentenced to 30 years and is now in Alcatraz. He was convicted with Mr. and Mrs. Julius Rosenberg, the atomic spies who were executed in 1953.

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High Court Ceremony Opens Term Sobell's Plea Filed First Day

WASHINGTON, Oct. 7 (AP).—The Supreme Court held a brief ceremonial session today to launch its new fall term of decisions on race segregation, communism and other controversial issues.

The initial nineteen-minute session was devoted almost exclusively to the admission of sixty attorneys to practice before the court. The opening was marked by the usual pomp and ceremony that is associated with the nation's highest tribunal.

Among the first motions to be filed before the court in its new term was a plea for a new trial for Morton Sobell, co-conspirator of executed atomic spies Ethel and Julius Rosenberg. Sobell is now serving a thirty-year term in Alcatraz for spying for Russia. The Sobell motion was supported by a petition of 5,300 Americans, headed by Chicago scientist Harold C. Urey.

Besides new motions, the court in the next nine months will have to dispose of 800 cases already on its docket for the 1957-58 court year. Before adjourning last summer, the court scheduled 100 cases for oral argument this year. Based on recent years, these 100 cases will account for more than half of the tribunal's work this year.

Promptly at noon, the marshal rapped his gavel, and court crier George E. Hutchinson intoned the traditional "Oyez, oyez, oyez. . . . This court is now sitting. God save the

United States and this honorable court!"

Chief Justice Earl Warren and his eight associates stepped one by one from behind a red velvet curtain and took their places behind the high mahogany bench in the order of their seniority.

Directly to Mr. Warren's right was Associate Justice Hugo Black, dean of the court in point of service. The recently married Justice Black, appointed in 1937 by then President Roosevelt, is celebrating this month the twentieth anniversary of the start of his high court career.

Mr. Warren had a word of greeting for each of the three score attorneys admitted to practice before the tribunal. They promised in their oaths to demean themselves "uprightly and according to law. . . ."

About 300 officials and visitors witnessed the opening session.

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 OCT 8 1957
 F. B. I. - N. Y.

SOBELL AGAIN LOSES HIGH COURT APPEAL

Special to The New York Times

WASHINGTON, Oct. 28 —

Morton Sobell, serving a thirty-year sentence for wartime espionage, lost a new appeal to the Supreme Court today.

It was the seventh time the high court had rejected appeals by Sobell since his conviction in 1951. Two petitions for review of other judgments of lower courts are pending before the supreme tribunal.

Today's action was on a motion that the court cancel its 1952 order denying a review of Sobell's conviction and grant a new trial. The court denied the motion and refused to hear oral arguments on it.

Sobell was convicted of conspiring with Julius and Ethel Rosenberg to transmit atomic secrets to the Soviet Union. The Rosenbergs were executed in 1953 for their part in the conspiracy.

In the appeal rejected today Sobell raised the issue that Fifth Amendment rights had been violated at the Rosenberg-Sobell trial. That amendment protects a witness against being required to give self-incriminating testimony.

Sobell's contention was that Judge Irving R. Kaufman had improperly permitted cross-examination of Mrs. Rosenberg regarding her claim of the Fifth Amendment's protection before a grand jury.

The Supreme Court's brief order disposed of the issue without comment.

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Sobell Plea Rejected

By KARL R. BAUMAN

WASHINGTON, Oct. 28 (AP) —Morton Sobell, convicted with Ethel and Julius Rosenberg of atomic espionage, got still another set back from the Supreme Court today in his fight to get out of prison.

The court rejected without comment a petition asking that it reverse itself and grant Sobell a review.

It was the seventh time the court has turned down applications in Sobell's behalf, each time leaving the conviction undisturbed.

SOBELL, NOW 38, is serving a 30-year sentence in Alcatraz. The Rosenbergs were executed in June, 1953.

Sobell's latest request for a Supreme Court hearing was hitched to the cross-examination of Mrs. Rosenberg when she testified in her own behalf in U. S. District Court in New York, denying involvement in the conspiracy to feed atomic secrets to Russia.

In cross-examining her, government prosecutors brought out that she had claimed the Fifth Amendment privilege against self-incrimination, before the grand jury which indicted her, to the same questions she answered in her direct testimony.

Sobell, who did not take the witness stand, contended in his latest appeal that this cross-examination had an adverse effect on him and caused the trial to lack "essential fairness."

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John Sturges

Sobell Loses 6th Appeal

WASHINGTON, Oct. 23 (INS).—The Supreme Court today rejected pleas by Morton Sobell for a hearing or a new trial on charges of conspiracy to commit atomic espionage.

It was the sixth time the high court refused to disturb the finding that Sobell, along with executed spies Ethel and Julius Rosenberg, delivered U. S. secrets to Russia.

The Supreme Court took no action on two other appeals filed this year on behalf of Sobell, who is now serving a 30-year prison term at Alcatraz.

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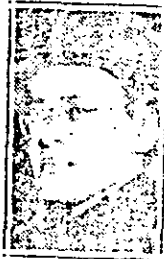
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A-Spy Sobell Loses Appeal

Washington, Oct. 28 (News Bureau).—The Supreme Court today rejected without comment

an appeal by convicted atom spy Morton Sobell for a new trial. Sobell is serving 30 years in Alcatraz as a co-conspirator with the executed spies, Julius and Ethel Rosenberg.



Morton Sobell

Sobell contended in his appeal that questions put to Mrs. Rosenberg at her trial prejudiced his own case. He has another appeal pending before the High Court, which alleges that he was kidnaped by government agents from Mexico City and that evidence that he was a fugitive was therefore false.

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High Court Denies New Sobell Plea

Still Other Pleas Are Left Pending

WASHINGTON, Oct. 28 (AP).—The Supreme Court today rejected a new appeal by Morton Sobell, who was convicted in 1951 of conspiring with atom spies Julius and Ethel Rosenberg to slip United States secrets to Russia.

The high court, which previously considered the Sobell case six times, turned down his plea that his case was prejudiced by the prosecution's cross-examination of Mrs. Rosenberg at their joint trial.

But the court failed to act today on other appeals on behalf of Sobell, who is now serving a thirty-year prison term in Alcatraz prison in San Francisco Bay.

The Rosenbergs were executed in 1953. Sobell escaped the death penalty because the information he was convicted of slipping to Russians involved radar secrets, not atomic data.

The other appeals still pending before the court stemmed from Sobell's charge that he was kidnapped from Mexico City at the time of his arrest by F. B. I. agents.

Sobell also maintained in these pleas that the government used false evidence in an effort to make him appear to be a fugitive from justice. He asked that he be given a new trial.

Sobell's efforts to obtain a new trial had the support of a petition signed by 5,303 persons. Chicago scientist Harold C. Urey headed the list.

In other actions today the court:

Reject Papers Backing Appeal by N. A. A. C. P.

Refused to allow fourteen private organizations to file documents in support of the appeal by the National Association for the Advancement of Colored People from a contempt conviction in Alabama. The N. A. A. C. P. has an appeal pending seeking reversal of a contempt conviction and \$100,000 fine imposed in a Montgomery, Ala., court for refusing to produce its records. The Supreme Court will hear arguments later on the N. A. A. C. P. appeal.

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**Eoes of Mayor's Ouster
Ordered to Show Cause**

Ordered a special three-judge Federal court panel in Detroit to show cause why it should not be prevented from blocking efforts of Michigan Gov. G. Mennen Williams to remove Mayor William M. Voisine, of Ecorse, Mich., and three city councilmen from office. Mayor Voisine and Councilmen Francis Labadie and Albert Buday were charged with conspiracy to corrupt justice. Councilman Elmer Korn was accused of accepting a bribe. The charges stemmed from a gambling investigation.

**Insurance-Monopoly
Ruling Is Upheld**

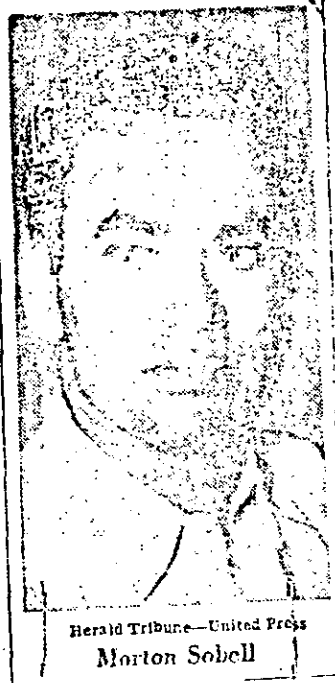
Upheld a lower court ruling that the New Orleans Insurance Exchange illegally conspired to monopolize the fire, casualty, and surety insurance business in the New Orleans, La., area.

**Hearing Denied
In Slaying of Child**

Denied a hearing to Jimmy N. Shaver, now under the death sentence for the fatal beating of three-year-old Chere Jo Horton, of Bexar County, Tex.

**Uphold Conviction
Over Gambling Taxes**

Refused a hearing to Mrs. Mathe Bell Anderson and Will Parks Clay, of Athens, Ga., who were convicted of conspiring to evade Federal gambling taxes.



Herald Tribune—United Press
Morton Sobell

Spy Loses for Eighth Time

High Court Turns Down Sobell Plea for New Trial

WASHINGTON, Nov. 12 (AP).—The Supreme Court today turned down an eighth plea for a new trial for Morton Sobell, who was convicted in 1951 of conspiring with atom spies Julius and Ethel Rosenberg to slip American secrets to Russia. In a brief order, the court rejected Sobell's arguments that he was kidnapped from Mexico City and that government prosecutors used false evidence to make him appear to be a fugitive from justice.

Sobell's plea for a new trial was supported by a group of 5,300 persons who filed a "friend of the court" brief. Atomic scientist Harold C. Urey headed the list.

The court's rejection of Sobell's appeal came after it agreed to allow the outside group to present their supporting brief.

Sobell in Alcatraz

Two weeks ago, the court rejected Sobell's argument that his trial was prejudiced by the cross-examination of Mrs. Rosenberg.

Sobell now is serving a thirty-year term in Alcatraz Federal Penitentiary in San Francisco Bay. The Rosenbergs were executed in 1953. Sobell, although convicted as their co-conspirator, escaped the death penalty because the information he was convicted of slipping to Russia involved radar secrets, not atomic data.

In other actions today the court:

New Trial Ordered In Wife-Slaying Case

Reversed the murder conviction of Alvaro Alcorta, of San Antonio, Tex., who was sentenced to death for the fatal stabbing of his wife. The court granted him a new trial on the ground that the principal eyewitness to the crime, his wife's lover, was permitted to give false testimony in the original prosecution.

Upholds Extortion Verdict Against Union

Let stand the extortion conviction under the Federal anti-racketeering act of General Laborers Local 397 of Granite City, Ill., which was accused of trying to compel contractors to

hire unwanted workers through threats of violence.

Order for New Trial In Slaying Stand

Refused to intervene in a lower court order granting a new trial to Silvio de Vita, under death sentence for killing a Newark, N. J., policeman during a holdup of a supermarket manager in 1951.

Bars Review on Texas "Naturopathy" Decision

Refused to review a Texas court decision voiding the 1949 state law on licensing the practice of "naturopathy," a method of treating diseases by "assisting nature."

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New Procedures Studied

The Committee to Secure Justice for Morton Sobell announced yesterday at its office at 910 Broadway that new legal motions will be explored on behalf of Sobell. The statement declared: "During these past few years, despite all of the protestations by the prosecutors that justice had really been done, there has been a groundswell of public opinion convinced that this trial has been tainted by fraud and perjury."

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High Court Rejects 8th Sobell Plea

WASHINGTON, Nov. 12 (INS). — The Supreme Court today rejected a plea by convicted atom spy Morton Sobell for a hearing on his charges that he was "kidnaped" by U. S. agents in Mexico prior to his trial.

The high court also turned

down a new appeal for another trial for Sobell, who was convicted with executed spies Julius and Ethel Rosenberg of delivering atom secrets to Russia.

SOBELL IS now serving a 30-year prison term at Alcatraz. It was his eighth attempt to win

Supreme Court intervention in his case.

In arguments before the court, his attorneys charged that Sobell was not deported by Mexican authorities as the prosecution declared, but actually was kidnaped.

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NOV 13 1951
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Eighth Sobell Appeal Killed By High Court

Washington, Nov. 12 (News Bureau)—The Supreme Court today rejected the eighth new trial appeal of Morton Sobell, convicted accomplice of executed atom spies Julius and Ethel Rosenberg. Sobell is serving 30 years in Alcatraz.

Sobell's latest appeal claimed he was illegally kidnaped from Mexico City at the time of his arrest and that false evidence made him appear a fugitive.

The usual brief order refused the appeal, although a "friend of the court" brief signed by 5,300 persons, including atom scientist Harold C. Urey, had been filed.

The Supreme Court today also refused to intervene and stop a lower court order granting a new trial to Silvio De Vita, under death sentence for slaying a Newark, N. J., policeman.

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HIGH COURT BARS 8TH SOBELL PLEA

Rejects Charge That Fraud and Kidnapping Led to His Conviction as Spy

WASHINGTON, Nov. 12 (AP)—Morton Sobell lost today two more appeals to the Supreme Court from his thirty-year sentence for wartime espionage.

The high tribunal refused to act on allegations by Sobell that he had been kidnapped by United States agents and illegally brought back to face espionage charges, and that his conviction was "steeped in fraud and tainted by false and perjured evidence."

This was the eighth time applications on Sobell's behalf have been turned down. The court disposed of Sobell's appeals in a brief order that noted only that the justices would not act on them.

The tribunal did permit the filing of a "friend of the court" brief urging a review of Sobell's case. The brief was prepared by attorneys who said they had acted in behalf of 5,300 persons. A list of names included that of Dr. Harold C. Urey, atomic scientist.

Sobell was convicted in Federal Court in New York in 1951 as a member of the Rosenberg atomic spy ring. Ethel and Julius Rosenberg, convicted with him, were put to death in June, 1953. Sobell is now serving his eighth year in Alcatraz Penitentiary.

On Oct. 28, the Supreme Court rejected a Sobell petition asking that the tribunal reverse itself and grant a review of his conviction.

Solicitor General J. Lee Rankin opposed any affirmative action on the two appeals denied today. The brief recalled that Federal Judge Irving R. Kaufman of New York had studied Sobell's allegations and in June 1956, found them without merit. Judge Kaufman was upheld unanimously on May 14, 1957 by the United States Circuit Court in New York.



The New York Times

SPY'S APPEAL FAILS:
Morton Sobell, whose move to win a new trial was rejected by Supreme Court

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SCORE ONE FOR WARREN COURT

Always alert for chances to say nice things, we're pleased to note that the Earl Warren Supreme Court day before yesterday refused, for once, to give aid and comfort to the criminal Communist conspiracy to overthrow the U. S. Government by force.

The Warren court turned down Morton Sobell's eighth plea to be sprung from Alcatraz, where he is serving a 30-year sentence for doing some important wartime atomic spying for Soviet Russia. So a lot of you folks will now kindly stop saying that the Warren court always is wrong. Once in a great while it can be right.

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Walter Winchell of New York

Man About Town

Inside the Communist Poddy: The Morton Sobell Committee (convinced that the highest court will no longer consider an appeal) will work for Exec Clemency. Red leaders convene here Dec. 1st to decide on a course of action. Sobell merely helped the electric-
chain'd Rosenbergs theft our atom and missile secrets, etc. Red leaders are fretting over "Worker" subscriptions in the Chicago area dropping 43.9 p.c. last year. They can't figger why. (Because it's so dee-you-double-ell)... U.S. Atty Paul Williams will move for trial of a Leftist magazine official. The charge: Obstruction of Justice... The next "secret" meetings of the Nat'l Executive Comm. of the Communist Poddy will be (heheheh) December 20th, 21st, 22nd. The first of many "secret" sessions in Seattle (to teach basic Marxism) was held on Thursday night, Nov. 14th, at a home on Sycamore Street. Nyet, Comrade?

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In other actions today the court:

Sobell Hearing Again Denied

Refused again to grant a hearing to Morton Sobell, who was convicted of conspiring with atom spies Julius and Ethel Rosenberg to slip United States secrets to Russia. It was the ninth time the court has declined to hear the plea of Sobell, who is serving a thirty-year prison term.

High Court Denies

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From the Wife and Mother of Morton Sobell

ALTHOUGH the Supreme Court on Nov. 12 refused to review the Sobell Case, we believe the climate of opinion is such that new opportunities are opening to free him from his 30-year sentence to Alcatraz. His was a political case significantly different from the Smith Act or First and Fifth Amendment cases, since it was supposed to involve espionage. Now, however, the very effectiveness of enemy espionage in atomic matters is being challenged.

It is now for the first time possible to focus wide public attention on the facts of the Sobell case, and thus on its civil liberties aspect. A national conference (Nov. 30-Dec. 1) of The Committee to Secure Justice for Morton Sobell (930 Broadway, New York 10) initiated a new campaign "to obtain action on behalf of Morton Sobell by One Million Americans. For what you can do, you may communicate directly with the Committee.—Ed.]

FOR more than eight years we have lived from day to day in the hope that the injustice which has destroyed the life of our family would be reviewed by the courts of our country so that an innocent man could be saved from destruction. The horror of knowing that the steadfastness of a father, a son and a husband, of a man who is a brilliant scientist has been rewarded only by continuing torment is a difficult thing to bear for Morton's mother and for myself. We can never stop our efforts to make known all of the immorality, lying and conniving that went on in this. Life has no meaning to us if it must be lived together with such monstrous injustice. We know Morton's goodness, his kindness, his honesty and his innocence of crime. All that has gone before will be but a beginning to the cries which must awaken everyone and show them that Morton must be treated as a human being, not as a pawn in a struggle for power over man's mind.

It is an unworthy thing which our great Supreme Court has done in not even taking this matter in its jurisdiction. What can it fear when all that we seek to establish is the truth itself? We turn now to the most powerful court, the court of the people. We know that those who have read the trial record, who have studied the facts in this case will continue their efforts on Morton's behalf. All those great and eminent scientists and thinkers of our country who have expressed their support before have received no answer but an added question when our country refuses to hear one of its own. History will award a verdict of innocent to Morton, but we must find that verdict now.

MRS. MORTON SOBELL
MRS. ROSE SOBELL

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Handwritten signature

Sobell Going to Atlanta Prison
WASHINGTON, March 4 (AP) — The Federal Prison Bureau said today Morton Sobell, convicted of conspiring to spy for the Soviet, is being transferred from Alcatraz in San Francisco Bay to the Federal Penitentiary at Atlanta.

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Petition for Truth and Justice

For Editors:

Just as all of the effects of any great disaster are not only immediately apparent but stretch on and on, so now, eight years after the beginning of the Rosenberg-Sobell case, its effect is still being felt. We have moved to the point where our case is viewed now in the same light as the Salem witchcraft trials. Scientists are saying more loudly today and with much more force that the charges made at our trial have no substance to them. Scientists are supported today not only by writers and statesmen, but by the beeping of the satellites passing overhead. Still my beloved husband, Morton Sobell, remains in Alcatraz maintaining his innocence as he has from that first day when a hysterical world seeking scapegoats chose him and the Rosenbergs for their ordeal.

Our wish is that all of the wrongs and harassments of the past period be completely corrected, for there is no such thing as a small injustice. To do this, however, we must recognize and value the shining courage of a man who has acted with honor and dignity from the first moment of his accusation, throughout a trial filled with perjured testimony from informer witnesses. My husband has earned the right not only to your admiration for his strength and endurance, but to your help in setting him free.

We are undertaking a tremendous national appeal for Morton's freedom. We know that he can be freed by the action of a nation awakened to this injustice. A national conference on this case set a goal of obtaining action by one million Americans.

We are now circulating our petition for executive action. The petition is addressed to the President of the United States and reads as follows:

Because our country has the strength

MARCH, 1958

to recognize possible errors and the humanity to be merciful;

"Because thousands of Americans believe that Morton Sobell did not have a fair trial: consider his 30-year sentence in Alcatraz cruel and inhuman punishment;

"Because Morton Sobell has steadfastly maintained his innocence throughout his seven years of imprisonment and continues his efforts to secure a new trial;

"For these reasons I join with my fellow Americans in asking you to return Morton Sobell to his wife and children through executive pardon or commutation, or to instruct the Attorney General to recommend a new trial."

Will you join in this petition by signing it and mailing it to me 1910 Broadway, N. Y. 101? Will you also request copies of this petition to circulate among your friends? A new tabloid newspaper telling the story of our case is available for your use.

To free Morton from prison we must have the help of everyone. There are signatures to be collected, newspapers to be distributed, and assistance to be given to our committees throughout the country. I look forward to your letter saying what you will do to help.

Mrs. MORTON SOBELL
New York City, Jan. 22

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Shredman

"Jewish Currents"
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